



PLANNING COMMISSION AGENDA
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

CALL TO ORDER: COMMISSIONERS' BRIEFING, 5:40 P.M. in Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada

ATTENDANCE:

PRESENT: CHAIRMAN RICHARD TRUESDELL, MEMBERS STEVEN EVANS, LAURA McSWAIN AND LEO DAVENPORT

EXCUSED: MEMBERS TODD NIGRO, BYRON GOYNES AND DAVID STEINMAN

STAFF PRESENT: MARGO WHEELER – PLANNING & DEVELOPMENT DEPT., DAVID CLAPSADDLE – PLANNING & DEVELOPMENT DEPT., KYLE WALTON – PLANNING & DEVELOPMENT DEPT., DAVID GUERRA – PUBLIC WORKS, YONGYAO LOU – PUBLIC WORKS, BRYAN SCOTT – CITY ATTORNEY'S OFFICE, ARLENE COLEMAN – CITY CLERK'S OFFICE, STACEY CAMPBELL – CITY CLERK'S OFFICE

MINUTES:

DAVID CLAPSADDLE, Planning and Development Department, referenced the following items that were requested to be held in abeyance, tabled or withdrawn without prejudice. Letters are on file for each of the requests.

Item 14 [MSP-5152]	Abeyance to 10/07/2004 Planning Commission meeting
Item 19 [ZON-4828]	TABLED
Item 20 [SDR-4837]	TABLED
Item 22 [SUP-4830]	Abeyance to 10/07/2004 Planning Commission meeting
Item 34 [ZON-4991]	Abeyance to 10/21/2004 Planning Commission meeting
Item 35 [SDR-4985]	Abeyance to 10/21/2004 Planning Commission meeting
Item 44 [SUP-4983]	Abeyance to 10/21/2004 Planning Commission meeting
Item 49 [SDR-4978]	Abeyance to 10/21/2004 Planning Commission meeting
Item 51 [SDR-4999]	Abeyance to 10/07/2004 Planning Commission meeting

Regarding Item 22 [SUP-4830], the applicant requested to hold the item in abeyance for two weeks. However, staff has not received any revised plans and not sure that two weeks would be sufficient time to review and renote.

Regarding Item 4 [TMP-4977] and Item 5 [TMP-4997], MR. CLAPSADDLE stated that staff's report was correct regarding the number of lots, but there was an error in the heading on the Agenda Summary Page. He informed the Commission that the Action Letters would reflect the correct lots, which Item 4 would be a one-lot subdivision and Item 5 would be a 55-lot subdivision.

Regarding Item 21 [SUP-4814], MR. CLAPSADDLE stated that staff's report was not submitted in the backup; however, a report was submitted at the meeting and a discussion would take place.

Regarding Item 53 [TXT-5037], MR. CLAPSADDLE stated that staff submitted a handout to the Commission that entailed ideas that were presented from the joint meeting regarding off-premises signs. MR. CLAPSADDLE requested the Commission not discuss the item, but review the information and provide feedback to staff. Thereafter, staff would present it to the industry for input and then bring before the Commission. Staff requested holding the item for 30 days. CHAIRMAN TRUESELLE requested that when staff receives the industry's input and presents it to the Commission thereafter, he would like to see representatives from the industry be a part of the presentation, as there are times when individuals comment that they were not informed. COMMISSIONER McSWAIN requested that staff inform her of the meeting with the industry, as she would like to attend. MR. CLAPSADDLE agreed.

DEPUTY CITY ATTORNEY BRYAN SCOTT stated there was some confusion at the last Planning Commission meeting on an item regarding handy cash loan centers. Since the meeting, he has spoken with the applicant and reviewed the Code. He verified that installment loan centers are within the definition of Financial Institutions specified and require a Special Use Permit in order to operate their businesses.

Regarding Item 51 [SDR-4999], MR. CLAPSADDLE stated that staff received a letter from the applicant requesting to hold the item in abeyance for two weeks to work on alley issues. He pointed out that the only issue is to vacate the alley. There is a condition requiring a Vacation. If the applicant would like the Vacation to be heard with the item, two weeks would not be sufficient time to process the application and do the notification. Staff did not solicit the request letter. He pointed out that the item could be heard tonight, but a condition would be required stipulating the alley way would be vacated. MARGO WHEELER, Planning and Development, confirmed that the condition is standard on these types of projects. MR. CLAPSADDLE confirmed for COMMISSIONER McSWAIN that staff's handout regarding the listed abeyance and tabled items are correct and a discussion was not needed.

(5:59 – 6:01)

1-1

MEETING ADJOURNED AT 5:45 P.M.



PLANNING COMMISSION AGENDA
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON KCLV, CABLE CHANNEL 2. THE PLANNING COMMISSION MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE CITY'S INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB SATURDAY AT 10:00 AM, THE FOLLOWING MONDAY AT MIDNIGHT AND TUESDAY AT 5:00 PM.

PLEDGE OF ALLEGIANCE was led by the Boy Scouts, Troop 132, as requested by CHAIRMAN TRUESDELL

CALL TO ORDER: 5:59 P.M. in Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: CHAIRMAN RICHARD TRUESDELL, VICE CHAIRMAN TODD NIGRO, MEMBERS STEVEN EVANS, BYRON GOYNES, LAURA McSWAIN AND LEO DAVENPORT (Arrived at 6:01 p.m.)

EXCUSED: MEMBER DAVID STEINMAN

STAFF PRESENT: MARGO WHEELER – PLANNING & DEVELOPMENT DEPT., DAVID CLAPSADDLE – PLANNING & DEVELOPMENT DEPT., KYLE WALTON – PLANNING & DEVELOPMENT DEPT., DAVID GUERRA – PUBLIC WORKS, YONGYAO LOU – PUBLIC WORKS, BRYAN SCOTT – CITY ATTORNEY'S OFFICE, ARLENE COLEMAN – CITY CLERK'S OFFICE, STACEY CAMPBELL – CITY CLERK'S OFFICE

DAVID CLAPSADDLE, Planning and Development Department, referenced the following items that were requested to be held in abeyance, tabled or withdrawn without prejudice. Letters are on file for each of the requests.

Item 14 [MSP-5152]	Abeyance to 10/07/2004 Planning Commission meeting
Item 19 [ZON-4828]	TABLED
Item 20 [SDR-4837]	TABLED
Item 22 [SUP-4830]	Abeyance to 10/07/2004 Planning Commission meeting
Item 34 [ZON-4991]	Abeyance to 10/21/2004 Planning Commission meeting
Item 35 [SDR-4985]	Abeyance to 10/21/2004 Planning Commission meeting
Item 44 [SUP-4983]	Abeyance to 10/21/2004 Planning Commission meeting
Item 49 [SDR-4978]	Abeyance to 10/21/2004 Planning Commission meeting
Item 51 [SDR-4999]	Abeyance to 10/07/2004 Planning Commission meeting

Regarding Item 22 [SUP-4830], the applicant has requested this item be held until 10/07/2004 to address design issues; however, staff requested holding the item for 30 days.

Regarding Item 44 [SUP-4983], staff received a letter from the applicant requesting to hold the item for 30 days to 10/21/2004 Planning Commission meeting, so the applicant could work with the residents.

Regarding Item 51 [SDR-4999], MR. CLAPSADDLE stated that staff was surprised to receive a letter from the applicant requesting to hold the item in abeyance for two weeks to work on alley issues. He pointed out that the only issue is to vacate the alley. There is a condition requiring a Vacation. If the applicant would like the Vacation to be heard with the item, two weeks would not be sufficient time to process the application and do the notification. Staff did not solicit the request letter but was and felt that 30 days would be more acceptable. He pointed out that the item could be heard tonight, but a condition would be required stipulating the alley way would be vacated.

Because there were numerous individuals in the audience to speak in regards to the abeyance, withdrawn or tabled items, CHAIRMAN TRUESDELL requested that these items be split into groups when the motions are made.

Motion to bring forward and hold in abeyance Item 14, Item 34, Item 35 and Item 49 was made by NIGRO – UNANIMOUS with STEINMAN excused

Regarding Item 51 [SDR-4999], CHAIRMAN TRUESDELL asked if the applicant was present and prepared to discuss this item. MIKE MUTCHKIN, 930 S. Third Street, appeared on behalf of DLV Real Estate, and stated that if the Commission would like to hear the item or abey the item, he would agree to either one. CHAIRMAN TRUESDELL stated the Commission would hear the item.

Regarding Item 22 [SUP-4830], CHAIRMAN TRUESDELL asked if the applicant was present. JENNIFER LAZOVICH, Attorney, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. CHAIRMAN TRUESDELL questioned if the applicant's request for a two-week abeyance would be sufficient time to address all of the concerns. ATTORNEY LAZOVICH felt that the two weeks was sufficient, as they have already submitted a presentation to staff. However, she felt that the changes and having a colored site map would be acceptable and could be presented to staff next week. MR. CLAPSADDLE responded that staff could agree with the two-week's abeyance. He then emphasized that staff wanted to ensure that the applicant submits the information requested by the Commission. The applicant needs to submit a computer generated image of the billboard to see what the actual height of the billboard would be and what relation the billboard would have with the actual finished intersection. Staff received some information just prior to the meeting but was not able to review it in detail.

Motion to bring forward and hold in abeyance Item 22 [SUP-4830] was made by NIGRO – UNANIMOUS with STEINMAN excused

Regarding Item 44 [SUP-4983], CHAIRMAN TRUESDELL asked if the applicant was present. ATTORNEY LAZOVICH stated that the applicant notified their office today and requested representation. They would like the opportunity to meet with the residents and see if a solution can be found and would appreciate a two-week's abeyance. CHAIRMAN TRUESDELL then stated that the abeyance should be to reach a solution and not escalate any existing problems. He then informed the audience that any comments made at this time would only be relative to whether or not to abey the item and not to address any issues or concerns.

CHARLES MUSSER, 4310 Mountain View Boulevard, stated his family has owned property on this block since 1923. Given the existing problems, he felt that there was no other resolution but to proceed with hearing the item. He requested those, in the audience, wanting to hear the item to raise their hands, and over 20 individuals raised their hands.

PAT MULHAL, representative for the neighborhood association, stated that they have spoken with residents and strongly oppose the abeyance. He felt that the applicant has had many opportunities to alleviate the ongoing problems and it would not be fair to the residents to prolong the matter at hand.

Due to the number of individuals in the audience opposing the abeyance and because of the existing problems, CHAIRMAN TRUESDELL asked ATTORNEY LAZOVICH if she was prepared to discuss the item. ATTORNEY LAZOVICH replied that she has not had the opportunity to review the staff's report and could not make a presentation. She offered to contact CHRIS KAEMPFER, at her law firm, and have him contact the applicant so that a presentation could be made at this meeting. COMMISSIONER McSWAIN asked if the owner of the property was present, but no one appeared. In all fairness to the large number of residents in attendance, she encouraged ATTORNEY LAZOVICH to contact ATTORNEY KAEMPFER so that an attempt could be made to give the applicant an opportunity to make a presentation supporting the abeyance request. DEPUTY CITY ATTORNEY BRYAN SCOTT explained to ATTORNEY LAZOVICH that when a request is made for an abeyance, there has to be good cause but not being prepared is not justifiable. He pointed out that since the item was towards the end of the agenda, it would give ATTORNEY LAZOVICH time to try to contact ATTORNEY KAEMPFER. He added that when the item is up for discussion, the Commission could also take comments from the residents who are in attendance, for the record, and hold the item in abeyance. CHAIRMAN TRUESDELL stated that it would be appropriate to give ATTORNEY LAZOVICH time to contact the applicant in hopes that a presentation could be made. If the item was held in abeyance, those in attendance wishing to speak may not be able to attend the next meeting. He then stated that the item would be trailed; when the item opened up for public hearing, the Commission would then hear comments from the residents.

Regarding Item 19 [ZON-4828] and Item 20 [SDR-4837], CHAIRMAN TRUESDELL asked if the applicant was present. Seeing no one, he confirmed, by a show of hands, there were at least 13 individuals in attendance wishing to speak on this item. CHAIRMAN TRUESDELL then stated that the item would be trailed; the applicant may be in attendance later when the item is opened up for public hearing, and the Commission would also hear comments from the residents.

Regarding Item 4 [TMP-4977] and Item 5 [TMP-4997], MR. CLAPSADDLE reiterated that staff's report was correct regarding the number of lots, but there was an error in the heading on the Agenda Summary Page. He informed the Commission that the Action Letters would reflect the correct lots, which Item 4 would be a one-lot subdivision and Item 5 would be a 55-lot subdivision.

COMMISSIONER McSWAIN stated that she would be abstaining on Item 6 [TMP-5005], as her company does work for the Becker's. In addition, she would be abstaining on Item 7 [TMP-5140], as Woodside Homes is one of her clients.



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

SUBJECT:

Approval of the minutes of the August 26, 2004, Planning Commission Meeting

MOTION:

**NIGRO - APPROVED – UNANIMOUS with DAVENPORT not voting and STEINMAN
excused**

MINUTES:

There was no discussion.

(6:01 – 6:01)

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AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

CHAIRMAN TRUESDELL announced the subdivision items could be appealed by the applicant or aggrieved person or a review requested by a member of the City Council.

ACTIONS:

ALL ACTIONS ON TENTATIVE AND FINAL SUBDIVISION MAPS ARE FINAL UNLESS AN APPEAL IS FILED BY THE APPLICANT OR AN AGGRIEVED PERSON, OR A REVIEW IS REQUESTED BY A MEMBER OF THE CITY COUNCIL WITHIN SEVEN DAYS OF THE DATE NOTICE IS SENT TO THE APPLICANT. UNLESS OTHERWISE INDICATED DURING THE MEETING, ALL OTHER ACTIONS BY THE PLANNING COMMISSION ARE RECOMMENDATIONS TO THE CITY COUNCIL, IN WHICH CASE ALL FINAL DECISIONS, CONDITIONS, STIPULATIONS OR LIMITATIONS ARE MADE BY THE CITY COUNCIL.

CHAIRMAN TRUESDELL read the statement on the order of the items and the time limitations on persons wishing to be heard on an item.

ANY ITEM LISTED IN THIS AGENDA MAY BE TAKEN OUT OF ORDER IF SO REQUESTED BY THE APPLICANT, STAFF, OR A MEMBER OF THE PLANNING COMMISSION. THE PLANNING COMMISSION MAY IMPOSE TIME LIMITATIONS, AS NECESSARY, ON THOSE PERSONS WISHING TO BE HEARD ON ANY AGENDA ITEM.



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

CHAIRMAN TRUESELLE noted the Rules of Conduct.

PLANNING COMMISSION MEETING RULES OF CONDUCT.

1. Staff will present each item to the Commission in order as shown on the agenda, along with a recommendation and suggested conditions of approval, if appropriate.
2. The applicant is asked to be at the public microphone during the staff presentation. When the staff presentation is complete, the applicant should state his name and address, and indicate whether or not he accepts staff's conditions of approval.
3. If areas of concern are known in advance, or if the applicant does not accept staff's conditions, the applicant or his representative is invited to make a brief presentation of his item with emphasis on any items of concern.
4. Persons other than the applicant who support the request are invited to make brief statements after the applicant. If more than one supporter is present, comments should not be repetitive. A representative is welcome to speak and indicate that he speaks for others in the audience who share his view.
5. Objectors to the item will be heard after the applicant and any other supporters. All who wish to speak will be heard, but in the interest of time it is suggested that representatives be selected who can summarize the views of any groups of interested parties.
6. After all objectors' input has been received, the applicant will be invited to respond to any new issues raised.
7. Following the applicant's response, the public hearing will be closed; Commissioners will discuss the item amongst themselves, ask any questions they feel are appropriate, and proceed to a motion and decision on the matter.
8. Letters, petitions, photographs and other submissions to the Commission will be retained for the record. Large maps, models and other materials may be displayed to the Commission from the microphone area, but need not be handed in for the record unless requested by the Commission.

As a courtesy, we would also ask those not speaking to be seated and not interrupt the speaker or the Commission. We appreciate your courtesy and hope you will help us make your visit with the Commission a good and fair experience.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - TMP-4706 - TENTATIVE MAP - NORTHERN TERRACE AT PROVIDENCE - APPLICANT: PERMA-BILT - OWNER: LM CLIFF'S EDGE, LLC - Request for a Tentative Map FOR A 930-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION on 148 acres adjacent to the northeast corner of Shaumber Road and Farm Road (APN 126-13-101-005 thru 008, 012, 014, 018, 126-13-201-005 thru 008, 013 thru 016, 126-13-501-003, 126-13-601-001, 007, and a portion of 018), PD (Planned Development) Zone [L (Low Density Residential) and ML (Medium-Low Density Residential) Cliff's Edge Special Land Use Designation], Ward 6 (Mack).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-4706], Item 2 [TMP-4838], Item 3 [TMP-4968], Item 4 [TMP-4977], Item 5 [TMP-4997], Item 6 [TMP-5005], Item 7 [TMP-5140] and Item 8 [ANX-4957] – **UNANIMOUS** with McSWAIN abstaining on Item 6 as her company is doing work for the Becker's and Item 7 as Woodside Homes in one of her clients and STEINMAN excused

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL stated this is a Consent item.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 1 – TMP-4706

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. All development shall conform to the Cliff's Edge Master Development Plan and Design Guidelines. Specifically, the Tentative Map shall be revised to the satisfaction of the Planning and Development Department, to reflect front, side and rear setbacks that comply with the Cliff's Edge standards that require different setbacks based on the number of stories, and based on the special land use designation.
3. Street names must be provided in accord with the City's Street Naming Regulations.
4. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

5. The Cliff's Edge Parent Map shall record prior to the recordation of any Final Maps for this site.
6. The Special Improvement District Section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to release of the Final Map for this site.
7. If not already constructed by the Master Developer, construct half street improvements on Shaumber Road, Farm Road, Grand Teton Drive and Egan Crest Way, including appropriate overpaving, adjacent to this site concurrent with development. In addition, a minimum of two lanes of paved, legal access to the nearest constructed public street shall be in place prior to final inspection of any units within this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). Offsite infrastructure plans must be approved prior to recordation of a Final Map for this site.
8. If not constructed at the time of development by the Master Developer, landscape and maintain all unimproved right-of-way on Shaumber Road, Farm Road, Grand Teton Drive and Egan Crest Way adjacent to this site concurrent with development of this site.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 1 – TMP-4706

CONDITIONS – Continued:

9. If not obtained at the time of development by the Master Developer, submit an Encroachment Agreement for all landscaping and private improvements in the Shaumber Road, Farm Road, Grand Teton Drive and Egan Crest Way public rights-of-way adjacent to this site.
10. Gated entry drives shall be designed, located and constructed in accordance with Standard Drawing #222a.
11. A Homeowners' Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
12. Public drainage easements must be common lots or within private streets or private drives that are to be privately maintained by a homeowner's association or maintenance association for all public drainage not located within existing public street right-of-way.
13. Private streets and private drives must be public utility easements (P.U.E.), City of Las Vegas sewer easements and public drainage easements to be privately maintained by the Homeowners' Association.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Final Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
15. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 1 – TMP-4706

CONDITIONS – Continued:

16. Site development to comply with all applicable conditions of approval for previous zoning actions, Cliff's Edge Parent Map, Cliff's Edge Development Standards, Design Guidelines and Development Agreement, the "Sight Distance Along Shaumber Road within Cliff's Edge" design document dated March 4, 2004 and all other applicable site-related actions.
17. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - TMP-4838 - TENTATIVE MAP - THE VILLAGE OF CENTENNIAL SPRINGS - APPLICANT: THE KEITH COMPANIES, INC. - OWNER: CARINA CORPORATION - Request for a Tentative Map FOR A 213 LOT SUBDIVISION on 41.02 acres adjacent to the southwest corner of Farm Road and Tule Springs Road (APN 125-17-702-002), T-C (Town Center) Zone, Ward 6 (Mack).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-4706], Item 2 [TMP-4838], Item 3 [TMP-4968], Item 4 [TMP-4977], Item 5 [TMP-4997], Item 6 [TMP-5005], Item 7 [TMP-5140] and Item 8 [ANX-4957] – **UNANIMOUS** with McSWAIN abstaining on Item 6 as her company is doing work for the Becker's and Item 7 as Woodside Homes in one of her clients and STEINMAN excused

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL stated this is a Consent item.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 2 – TMP-4838

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. The Final Map of The Village of Centennial Springs for the overall subdivision shall record prior to the recordation of any other Final Maps within this development.
3. A Multi-Use Transportation Trail shall be provided along the west side of Tule Springs Road and south side of Farm Road. The subject trail shall be shown on the overall Final Map for this subdivision.
4. All development shall conform to Special Use Permit SUP-4299, Variance VAR-4300 and Site Development Plan Review SDR-4290.
5. Street names must be provided in accordance with the City's Street Naming Regulations.
6. All development is subject to the conditions of City Departments and State Subdivision Statutes.
7. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

Public Works

8. Provide public sewers in public sewer easements. Provide sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
9. Site development to comply with all applicable conditions of approval for the Town Center Master Plan, the approved Traffic Impact Analysis, Site Development Plan Review SDR-4290, Parcel Map PMP-4285 and all other subsequent site-related actions.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 2 – TMP-4838

CONDITIONS – Continued:

10. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Planning Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

TMP-4968 - TENTATIVE MAP - BELCASTRO SUBDIVISION - APPLICANT/OWNER: SAMER NAKHLE - Request for a Tentative Map FOR A 4 LOT SINGLE FAMILY SUBDIVISION on 2.50 acres adjacent to the east side of Belcastro Street, approximately 320 feet north of Del Rey Avenue (APN 163-03-501-032), R-E (Residence Estates) Zone, Ward 1 (Moncrief).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-4706], Item 2 [TMP-4838], Item 3 [TMP-4968], Item 4 [TMP-4977], Item 5 [TMP-4997], Item 6 [TMP-5005], Item 7 [TMP-5140] and Item 8 [ANX-4957] – **UNANIMOUS** with McSWAIN abstaining on Item 6 as her company is doing work for the Becker's and Item 7 as Woodside Homes in one of her clients and STEINMAN excused

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL stated this is a Consent item.

(6:18 – 6:19)

1-605

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 3 – TMP-4968

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. All development shall conform to Special Use Permit SUP-4511.
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

5. Petition of Vacation VAC-4967 must record prior to or concurrent with the recordation of a Final Map for this site. If the Petition of Vacation is denied or cannot record this Tentative Map shall be VOID and a new Tentative Map shall be submitted showing how Belcastro Street and the Holmby Avenue will be incorporated into this site.
6. Construct half-street improvements including appropriate overpaving on Belcastro Street adjacent to this site concurrent with development of this site. Also construct the full width of the proposed turnaround. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
7. Extend public sewer to the west edge of this site, to a location, depth and alignment acceptable to the City Engineer concurrent with development of this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 3 – TMP-4968

CONDITIONS – Continued:

concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

9. Site development to comply with all applicable conditions of approval for SUP-4511 and all other subsequent site-related actions.
10. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

TMP-4977 - TENTATIVE MAP - RANCHO POINT - APPLICANT: THE KEITH COMPANIES, INC. - OWNER: RANCHO POINT, LLC AND HELEN SLAVIN - Request for a Tentative Map FOR A TWO LOT COMMERCIAL SUBDIVISION on 3.23 acres adjacent to the east side of Rancho Drive, approximately 640 feet south of Alexander Road (APN 138-12-110-011 and a portion of 138-12-102-001), C-2 (General Commercial) Zone, Ward 6 (Mack).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-4706], Item 2 [TMP-4838], Item 3 [TMP-4968], Item 4 [TMP-4977], Item 5 [TMP-4997], Item 6 [TMP-5005], Item 7 [TMP-5140] and Item 8 [ANX-4957] – UNANIMOUS with McSWAIN abstaining on Item 6 as her company is doing work for the Becker’s and Item 7 as Woodside Homes in one of her clients and STEINMAN excused

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL stated this is a Consent item.

(6:18 – 6:19)

1-605

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 4 – TMP-4977

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. All development shall conform to the Conditions of Approval for General Plan Amendment (GPA-1363), Site Development Plan Review (SDR-3452), Variance (VAR-3711), and Review of Conditions (ROC-4662).
3. Street names must be provided in accord with the City's Street Naming Regulations.
4. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

5. Construct all incomplete half-street improvements on Rancho Drive and the adjacent right-of-way to the east of this site concurrent with development of this site
6. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
7. In accordance with the intent of a Commercial Subdivision, all sites within this subdivision shall have perpetual common access to all driveways connecting this site to the abutting streets and a note to this effect shall appear on the Final Map for this site as required by the Department of Public Works. No barriers (e.g. curbs, wall, etc.) shall be erected within the boundaries of the overall commercial subdivision map site, which would prohibit any vehicle on this site from utilizing any driveway connecting this commercial development site to the abutting public streets.
8. Site development to comply with all applicable conditions of approval for SDR-3452 and all other subsequent site-related actions.
9. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 4 – TMP-4977

CONDITIONS – Continued:

Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

TMP-4997 - TENTATIVE MAP – VILLAS AT CLIFF SHADOWS - APPLICANT: KB HOME - OWNER: LEE, BRIAN AND JULIE AND NATIONAL GROUP #1, LLC, ET AL - Request for a Tentative Map FOR A ONE LOT COMMERCIAL SUBDIVISION on 2.55 acres adjacent to the southeast corner of Alexander Road and Cliff Shadows Parkway (APN 137-12-101-003 and 009), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-4706], Item 2 [TMP-4838], Item 3 [TMP-4968], Item 4 [TMP-4977], Item 5 [TMP-4997], Item 6 [TMP-5005], Item 7 [TMP-5140] and Item 8 [ANX-4957] – UNANIMOUS with McSWAIN abstaining on Item 6 as her company is doing work for the Becker’s and Item 7 as Woodside Homes in one of her clients and STEINMAN excused

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL stated this is a Consent item.

(6:18 – 6:19)

1-605

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 5 – TMP-4997

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. All development shall conform to the Conditions of Approval for Site Development Plan Review [SDR-4636] and the Lone Mountain West Development Standards.
3. Street names must be provided in accord with the City's Street Naming Regulations.
4. All development is subject to the conditions of City Departments and State Subdivision Statutes.
5. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

Public Works

6. The radius corners at the intersection of Cliff Shadows Parkway and Granite Ridge Drive shall be 25 feet, unless otherwise allowed by the City Engineer.
7. Grant a Traffic Signal Chord Easement at the southeast corner of Alexander Road and Cliff Shadows Parkway and a School Flasher Easement on the south side of Alexander Road at a location acceptable to the City Traffic Engineer prior to the issuance of any permits.
8. Public drainage easements must be common lots or within private streets or private drives that are to be privately maintained by a homeowner's association or maintenance association for all public drainage not located within existing public street right-of-way.
9. Private streets and private drives must be public utility easements (P.U.E.), City of Las Vegas sewer easements and public drainage easements to be privately maintained by the Homeowner's Association.
10. Site development to comply with all applicable conditions of approval for SDR-4636 and all other applicable site-related actions.
11. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 5 – TMP-4997

CONDITIONS – Continued:

alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

TMP-5005 - TENTATIVE MAP - ELKHORN RD & FORT APACHE - APPLICANT: QAF INVESTMENTS - OWNER: BECKER FAMILY TRUST - Request for a Tentative Map FOR A 30 LOT SINGLE FAMILY SUBDIVISION on 5.00 acres adjacent to the southeast corner of Elkhorn Road and Fort Apache Road (APN 125-20-101-001), T-C (Town Center) Zone, Ward 6 (Mack).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-4706], Item 2 [TMP-4838], Item 3 [TMP-4968], Item 4 [TMP-4977], Item 5 [TMP-4997], Item 6 [TMP-5005], Item 7 [TMP-5140] and Item 8 [ANX-4957] – **UNANIMOUS** with McSWAIN abstaining on Item 6 as her company is doing work for the Becker's and Item 7 as Woodside Homes in one of her clients and STEINMAN excused

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL stated this is a Consent item.

(6:18 – 6:19)

1-605

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 6 – TMP-5005

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. All development shall conform to the Conditions of Approval for Site Development Plan Review [SDR-4613] and the Town Center Plan Development Standards where applicable.
3. Street names must be provided in accord with the City's Street Naming Regulations.
4. All development is subject to the conditions of City Departments and State Subdivision Statutes.
5. All perimeter walls, including a combination of retaining and screen walls, shall meet the fence and wall standards of subsection D.2.A of the Town Center Development Standards, and shall not exceed eight feet in height, measured from the base of the retaining wall, without appropriate setbacks or an acceptable alternative as approved by the Planning and Development and Public Works Departments.

Public Works

6. The sewer connection for this site shall be to the existing public sewer stub provided by the "High Noon at Elkhorn Ranch" project located at the southeast edge of this site.
7. Landscape and maintain all unimproved rights-of-way on Elkhorn Road and Fort Apache Road adjacent to this site.
8. Submit an Encroachment Agreement for all landscaping and private improvements located in the Elkhorn Road and Fort Apache Road public rights-of-way adjacent to this site prior to occupancy of this site.
9. Site development to comply with all applicable conditions of approval for ZON-4695 and all other subsequent site-related actions.
10. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 6 – TMP-5005

CONDITIONS – Continued:

approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

TMP-5140 - TENTATIVE MAP - POD 121 AT PROVIDENCE - APPLICANT: WOODSIDE HOMES - OWNER: CLIFFS EDGE, ET AL - Request for a Tentative Map FOR A 107 LOT SINGLE FAMILY SUBDIVISION on 22.38 acres adjacent to the east side of Egan Crest Way, between Elkhorn Road and Dorrell Lane (APN 126-24-501-004 and a portion of 126-24-501-017), PD (Planned Development) Zone, Ward 6 (Mack).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-4706], Item 2 [TMP-4838], Item 3 [TMP-4968], Item 4 [TMP-4977], Item 5 [TMP-4997], Item 6 [TMP-5005], Item 7 [TMP-5140] and Item 8 [ANX-4957] – UNANIMOUS with McSWAIN abstaining on Item 6 as her company is doing work for the Becker’s and Item 7 as Woodside Homes in one of her clients and STEINMAN excused

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL stated this is a Consent item.

(6:18 – 6:19)

1-605

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 7 – TMP-5140

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. All development shall conform to the Conditions of Approval for Rezonings (ZON-2184 and ZON-1540), the Cliff's Edge Master Development Plan and Design Standards, and the Cliff's Edge Development Agreement.
3. Street names must be provided in accord with the City's Street Naming Regulations.
4. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

5. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of a Final Map or the issuance of any building permits, whichever may occur first. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.
6. If not already constructed by the Master Developer, construct half street improvements on Elkhorn Road, Dorrell Lane and Egan Crest Way, including appropriate overpaving, adjacent to this site concurrent with development. In addition, a minimum of two lanes of paved, legal access to the nearest constructed public street shall be in place prior to final inspection of any units within this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
7. If not constructed at the time of development by the Master Developer, landscape and maintain all unimproved right-of-way on Elkhorn Road, Dorrell Lane and Egan Crest Way adjacent to this site concurrent with development of this site.
8. If not obtained at the time of development by the Master Developer, submit an Encroachment Agreement for all landscaping and private improvements in the Elkhorn Road, Dorrell Lane and Egan Crest Way public rights-of-way adjacent to this site.
9. Gated entry drives shall be designed, located and constructed in accordance with Standard Drawing #222a.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 7 – TMP-5140

CONDITIONS – Continued:

10. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
11. Provide public sewer easements (20-foot minimum width) for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
12. Public drainage easements must be common lots or within private streets or private drives that are to be privately maintained by a homeowner's association or maintenance association for all public drainage not located within existing public street right-of-way.
13. Private streets and private drives must be public utility easements (P.U.E.), City of Las Vegas sewer easements and public drainage easements to be privately maintained by the Homeowner's Association.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Final Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
15. Show and dimension the common lots and adjacent right-of-way on the Final Map(s) for this site as recorded by the Cliff's Edge parent map and include the recorder's information (subdivision name, book and page number). We note that adjacent common lots and right(s)-of-way are not shown correctly.
16. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 7 – TMP-5140

CONDITIONS – Continued:

or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

17. Site development to comply with all applicable conditions of approval for previous zoning actions, Cliff's Edge Parent Map, Cliff's Edge Development Standards, and the Design Guidelines and Development Agreement.
18. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ANX-4957 – ANNEXATION - MATRIX DEVELOPMENT AND STAR LIVING TRUST
- Petition to annex property generally located on the north side of Ann Road, east and west of Mustang Road, containing approximately 9.72 acres (APN 125-26-801-012 and 125-26-802-014), Ward 6 (Mack).

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-4706], Item 2 [TMP-4838], Item 3 [TMP-4968], Item 4 [TMP-4977], Item 5 [TMP-4997], Item 6 [TMP-5005], Item 7 [TMP-5140] and Item 8 [ANX-4957] – **UNANIMOUS** with McSWAIN abstaining on Item 6 as her company is doing work for the Becker's and on Item 7 as Woodside Homes in one of her clients and STEINMAN excused

This item will be forwarded to City Council in Ordinance Form.

MINUTES:

CHAIRMAN TRUESDELL stated this is a Consent item.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - SUP-4694 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ORION OUTDOOR MEDIA - OWNER: RICHARD AND BARBARA STIMAC AND KAY RODRIGUEZ - Request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 7075 West Craig Road (APN 138-03-701-003), C-1 (Limited Commercial) Zone Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967] – UNANIMOUS with McSWAIN abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949] as her company is presently bidding work for Kimball Hill Homes, TRUESDELL abstaining on Item 10 [SUP-4984] as the proposed property is located in the Downtown area next to a property that he owns an interest in, NIGRO abstaining on Item 11 [SDR-4979] as he is a shareholder in Bankwest of Nevada and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 9 – SUP-4694

MINUTES – Continued:

person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

DAVID CLAPSADDLE, Planning and Development Department, stated that letters are on file for each application noted above where the applicant has agreed to all of the conditions.

COMMISSIONER McSWAIN stated she would be abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949], as her company is presently bidding work for Kimball Hill Homes.

CHAIRMAN TRUESDELL stated that he would be abstaining on Item 10 [SUP-4984], as the proposed property is located in the Downtown area next to a property that he owns an interest in.

VICE CHAIRMAN NIGRO stated he would be abstaining on Item 11 [SDR-4979], as he is a shareholder in Bankwest of Nevada.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

(6:19 – 6:23)
1-655

CONDITIONS:

Planning and Development

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premises sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premises advertising (billboard) sign be removed.
3. Conformance to all Minimum Requirements under Title 19.14 for an Off-Premises Sign use and other applicable sign requirements.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 9 – SUP-4694

CONDITIONS – Continued:

4. The off-premises advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of trash, weeds and graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premises advertising (billboard) sign.
5. Only one advertising sign is permitted per sign face.
6. The entire face-area of both sides of the off-premises advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
7. If the off-premises advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premises advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
8. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

9. Meet with the Flood Control Section of the Department of Public Works to determine impacts, if any, to adjacent flood control facilities from the proposed sign prior to the issuance of any permits. Provide and improve all drainageways as recommended. This site is located within a FEMA Flood Zone “AE” designation.
10. The off-premise advertising (billboard) sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

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DISCUSSION

SUBJECT:

SUP-4984 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: OCHA CUISINE - OWNER: RICHARD L CALCATERRA 1985 TRUST AND MELISSA F CALCATERRA 1985 TRUST - Request for a Special Use Permit FOR A RESTAURANT SERVICE BAR at 2211 Las Vegas Boulevard South (APN 162-03-410-006), C-2 (General Commercial) Zone, Ward 3 (Reese).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967] – UNANIMOUS with McSWAIN abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949] as her company is presently bidding work for Kimball Hill Homes, TRUESDELL abstaining on Item 10 [SUP-4984] as the proposed property is located in the Downtown area next to a property that he owns an interest in, NIGRO abstaining on Item 11 [SDR-4979] as he is a shareholder in Bankwest of Nevada and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 10 – SUP-4984

MINUTES – Continued:

person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

DAVID CLAPSADDLE, Planning and Development Department, stated that letters are on file for each application noted above where the applicant has agreed to all of the conditions.

COMMISSIONER McSWAIN stated she would be abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949], as her company is presently bidding work for Kimball Hill Homes.

CHAIRMAN TRUESDELL stated that he would be abstaining on Item 10 [SUP-4984], as the proposed property is located in the Downtown area next to a property that he owns an interest in.

VICE CHAIRMAN NIGRO stated he would be abstaining on Item 11 [SDR-4979], as he is a shareholder in Bankwest of Nevada.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

(6:19 – 6:23)
1-655

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Restaurant Service Bar.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

SDR-4979 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: BANKWEST OF NEVADA - Request for a Site Development Plan Review FOR A 6,510 SQUARE FOOT FINANCIAL INSTITUTION AND A WAIVER OF TOWN CENTER DEVELOPMENT GROUND FLOOR GLAZING STANDARDS on 1.54 acres at 8501 West Centennial Parkway (APN 125-29-510-004), T-C (Town Center) Zone, Ward 6 (Mack).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967] – UNANIMOUS with McSWAIN abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949] as her company is presently bidding work for Kimball Hill Homes, TRUESDELL abstaining on Item 10 [SUP-4984] as the proposed property is located in the Downtown area next to a property that he owns an interest in, NIGRO abstaining on Item 11 [SDR-4979] as he is a shareholder in Bankwest of Nevada and STEINMAN excused

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 11 – SDR-4979

MINUTES – Continued:

person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

DAVID CLAPSADDLE, Planning and Development Department, stated that letters are on file for each application noted above where the applicant has agreed to all of the conditions.

COMMISSIONER McSWAIN stated she would be abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949], as her company is presently bidding work for Kimball Hill Homes.

CHAIRMAN TRUESDELL stated that he would be abstaining on Item 10 [SUP-4984], as the proposed property is located in the Downtown area next to a property that he owns an interest in.

VICE CHAIRMAN NIGRO stated he would be abstaining on Item 11 [SDR-4979], as he is a shareholder in Bankwest of Nevada.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

(6:19 – 6:23)
1-655

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All City Code requirements and design standards of all City departments must be satisfied.
3. All development shall be in conformance with the site plan and building elevations, date stamped August 9, 2004 except as amended by conditions herein.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 11 – SDR-4979

CONDITIONS – Continued:

4. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
6. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets except single-family residential development. Air conditioning units shall not be mounted on rooftops residential development.
8. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
9. A Sign Plan shall be submitted for approval by the Centennial Hills Architectural Review Committee - Town Center (CHARC-TC) prior to the issuance of a Construction Permit.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.

Public Works

11. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
12. An update to the Master Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 11 – SDR-4979

CONDITIONS – Continued:

#234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

13. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
14. Site development to comply with all applicable conditions of approval for the Centennial Hills Center (Commercial Subdivision) and all other applicable site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

MSP-5001 - MASTER SIGN PLAN - PUBLIC HEARING - APPLICANT: BOICE RAIDL RHEA ARCHITECTS, INC. - OWNER: WAL-MART STORES, INC. - Request for a Master Sign Plan FOR A PROPOSED 39,910 SQUARE FOOT WAL-MART NEIGHBORHOOD MARKET on 8.03 acres adjacent to the southwest corner of Lake Mead Boulevard and Jones Boulevard (APN 138-23-719-004), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967] – UNANIMOUS with McSWAIN abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949] as her company is presently bidding work for Kimball Hill Homes, TRUESDELL abstaining on Item 10 [SUP-4984] as the proposed property is located in the Downtown area next to a property that he owns an interest in, NIGRO abstaining on Item 11 [SDR-4979] as he is a shareholder in Bankwest of Nevada and STEINMAN excused

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 12 – MSP-5001

MINUTES – Continued:

person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

DAVID CLAPSADDLE, Planning and Development Department, stated that letters are on file for each application noted above where the applicant has agreed to all of the conditions.

COMMISSIONER McSWAIN stated she would be abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949], as her company is presently bidding work for Kimball Hill Homes.

CHAIRMAN TRUESDELL stated that he would be abstaining on Item 10 [SUP-4984], as the proposed property is located in the Downtown area next to a property that he owns an interest in.

VICE CHAIRMAN NIGRO stated he would be abstaining on Item 11 [SDR-4979], as he is a shareholder in Bankwest of Nevada.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

(6:19 – 6:23)
1-655

CONDITIONS:

Planning and Development

1. Conformance to the sign elevations and documentation submitted in conjunction with the application, date stamped September 23, 2004, except as amended by conditions herein.
2. All freestanding signage shall be located a minimum of five feet from the front property line in accordance with the requirements of Title 19.14.
3. Freestanding signage for the development shall be restricted to the pylon sign proposed for the Lake Mead Boulevard frontage and the monument sign proposed for the Jones Boulevard frontage.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 12 – MSP-5001

CONDITIONS – Continued:

4. All signage shall have proper permits obtained through the Building and Safety Department.
5. Any future amendments to the Master Sign Plan which are in compliance with the requirements of Title 19.14 for the subject zoning district may be reviewed and approved administratively by the Planning and Development Department.

Public Works

6. Signs shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

MSP-5003 - MASTER SIGN PLAN - PUBLIC HEARING - APPLICANT: BOICE RAIDL RHEA ARCHITECTS, INC. - OWNER: WAL-MART STORES, INC. - Request for a Master Sign Plan FOR A PROPOSED 39,910 SQUARE FOOT WAL-MART NEIGHBORHOOD MARKET on 8.17 acres adjacent to the northeast corner of Craig Road and Jones Boulevard (APN 138-01-219-002), C-1 (Limited Commercial) Zone, Ward 6 (Mack).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967] – **UNANIMOUS** with McSWAIN abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949] as her company is presently bidding work for Kimball Hill Homes, TRUESDELL abstaining on Item 10 [SUP-4984] as the proposed property is located in the Downtown area next to a property that he owns an interest in, NIGRO abstaining on Item 11 [SDR-4979] as he is a shareholder in Bankwest of Nevada and STEINMAN excused

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 13 – MSP-5003

MINUTES – Continued:

with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

DAVID CLAPSADDLE, Planning and Development Department, stated that letters are on file for each application noted above where the applicant has agreed to all of the conditions.

COMMISSIONER McSWAIN stated she would be abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949], as her company is presently bidding work for Kimball Hill Homes.

CHAIRMAN TRUESDELL stated that he would be abstaining on Item 10 [SUP-4984], as the proposed property is located in the Downtown area next to a property that he owns an interest in.

VICE CHAIRMAN NIGRO stated he would be abstaining on Item 11 [SDR-4979], as he is a shareholder in Bankwest of Nevada.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

(6:19 – 6:23)
1-655

CONDITIONS:

Planning and Development

1. Conformance to the sign elevations and documentation submitted in conjunction with the application, date stamped 9/23/04, except as amended by conditions herein.
2. All freestanding signage shall be located a minimum of five feet from the front property line in accordance with the requirements of Title 19.14.
3. Freestanding signage for the development shall be restricted to the pylon sign and monument sign proposed for the Craig Boulevard frontage, and the monument sign proposed for the Jones Boulevard frontage.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 13 – MSP-5003

CONDITIONS – Continued:

4. The pylon sign proposed for the Craig Boulevard frontage shall be located a minimum of 73'-6" from the nearest single-family property to the east in accordance with the Residential Protection Standards listed in Title 19.14.
5. All signage shall have proper permits obtained through the Building and Safety Department.
6. Any future amendments to the Master Sign Plan which are in compliance with the requirements of Title 19.14 for the subject zoning district may be reviewed and approved administratively by the Planning and Development Department.

Public Works

7. Signs shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

MSP-5152 - MASTER SIGN PLAN - NON-PUBLIC HEARING - APPLICANT: LONGFORD MEDICAL CENTER, LLC - OWNER: BUFFALO WASHINGTON, LLC
- Request for a Master Sign Plan FOR A PROPOSED 132,000 SQUARE-FOOT MEDICAL OFFICE COMPLEX on 5.96 acres adjacent to the north side of Summerlin Parkway, approximately 630 feet south of Washington Avenue (APN 138-27-301-020), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 2 (Wolfson).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends this item be HELD IN ABEYANCE to the October 7, 2004 Planning Commission meeting.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report – Not Applicable

MOTION:

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 14 [MSP-5152] and Item 22 [SUP-4830] to 10/07/2004 Planning Commission meeting, Item 34 [ZON-4991], Item 35 [SDR-4985] and Item 49 [SDR-4978] to 10/21/2004 Planning Commission meeting – UNANIMOUS with STEINMAN excused

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:02 – 6:18)

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAC-4948 - VACATION - PUBLIC HEARING - APPLICANT: KIMBALL HILL HOMES - OWNER: CLIFFS EDGE, LLC - Request for a Petition of Vacation to vacate U. S. Government Patent Reservations generally located south of Elkhorn Road, between Puli Road and Shaumber Road, Ward 6 (Mack).

SET DATE: 10/06/04

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967] – **UNANIMOUS** with McSWAIN abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949] as her company is presently bidding work for Kimball Hill Homes, TRUESDELL abstaining on Item 10 [SUP-4984] as the proposed property is located in the Downtown area next to a property that he owns an interest in, NIGRO abstaining on Item 11 [SDR-4979] as he is a shareholder in Bankwest of Nevada and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 15 – VAC-4948

MINUTES – Continued:

with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

DAVID CLAPSADDLE, Planning and Development Department, stated that letters are on file for each application noted above where the applicant has agreed to all of the conditions.

COMMISSIONER McSWAIN stated she would be abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949], as her company is presently bidding work for Kimball Hill Homes.

CHAIRMAN TRUESDELL stated that he would be abstaining on Item 10 [SUP-4984], as the proposed property is located in the Downtown area next to a property that he owns an interest in.

VICE CHAIRMAN NIGRO stated he would be abstaining on Item 11 [SDR-4979], as he is a shareholder in Bankwest of Nevada.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

(6:19 – 6:23)
1-655

CONDITIONS:

1. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required for TMP-4465 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.
2. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 15 – VAC-4948

CONDITIONS – Continued:

3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Relinquishment of Interest shall not be recorded until all of the above conditions have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAC-4949 - VACATION - PUBLIC HEARING - APPLICANT: KIMBALL HILL HOMES - OWNER: CLIFFS EDGE, LLC - Request for a Petition of Vacation to vacate U. S. Government Patent Reservations generally located south of Elkhorn Road, between Shaumber Road and Hualapai Way, Ward 6 (Mack).

SET DATE: 10/06/04

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967] – **UNANIMOUS** with McSWAIN abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949] as her company is presently bidding work for Kimball Hill Homes, TRUESDELL abstaining on Item 10 [SUP-4984] as the proposed property is located in the Downtown area next to a property that he owns an interest in, NIGRO abstaining on Item 11 [SDR-4979] as he is a shareholder in Bankwest of Nevada and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 16 – VAC-4949

MINUTES – Continued:

with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

DAVID CLAPSADDLE, Planning and Development Department, stated that letters are on file for each application noted above where the applicant has agreed to all of the conditions.

COMMISSIONER McSWAIN stated she would be abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949], as her company is presently bidding work for Kimball Hill Homes.

CHAIRMAN TRUESDELL stated that he would be abstaining on Item 10 [SUP-4984], as the proposed property is located in the Downtown area next to a property that he owns an interest in.

VICE CHAIRMAN NIGRO stated he would be abstaining on Item 11 [SDR-4979], as he is a shareholder in Bankwest of Nevada.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

(6:19 – 6:23)
1-655

CONDITIONS:

1. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required for TMP-4466 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.
2. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 16 – VAC-4949

CONDITIONS – Continued:

3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Relinquishment of Interest shall not be recorded until all of the above conditions have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAC-4967 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: SAMER NAKHLE - Request for a Petition to vacate a portion of the south half of Holmby Avenue, east of Belcastro Street, south of Holmby Avenue, Ward 1 (Moncrief).

SET DATE: 10/06/04

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967] – **UNANIMOUS** with McSWAIN abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949] as her company is presently bidding work for Kimball Hill Homes, TRUESDELL abstaining on Item 10 [SUP-4984] as the proposed property is located in the Downtown area next to a property that he owns an interest in, NIGRO abstaining on Item 11 [SDR-4979] as he is a shareholder in Bankwest of Nevada and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 17 – VAC-4967

MINUTES – Continued:

with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

DAVID CLAPSADDLE, Planning and Development Department, stated that letters are on file for each application noted above where the applicant has agreed to all of the conditions.

COMMISSIONER McSWAIN stated she would be abstaining on Item 15 [VAC-4948] and Item 16 [VAC-4949], as her company is presently bidding work for Kimball Hill Homes.

CHAIRMAN TRUESDELL stated that he would be abstaining on Item 10 [SUP-4984], as the proposed property is located in the Downtown area next to a property that he owns an interest in.

VICE CHAIRMAN NIGRO stated he would be abstaining on Item 11 [SDR-4979], as he is a shareholder in Bankwest of Nevada.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 9 [SUP-4694], Item 10 [SUP-4984], Item 11 [SDR-4979], Item 12 [MSP-5001], Item 13 [MSP-5003], Item 15 [VAC-4948], Item 16 [VAC-4949] and Item 17 [VAC-4967].

(6:19 – 6:23)
1-655

CONDITIONS:

1. A turnaround acceptable to the Department of Public Works must be provided prior to or concurrently with the recordation of this vacation.
2. Provide a plan, acceptable to the City Engineer, that shows how the vacated area along the both the east and west sides of the centerline of Belcastro Street will be incorporated into the adjacent properties.
3. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required for the Belcastro subdivision

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 17 – VAC-4967

CONDITIONS – Continued:

(TMP-4968) may be used to satisfy this requirement provided that it addresses the area to be vacated.

4. Prior to the recordation of an Order of Vacation all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense, or such modifications shall be guaranteed by provision of sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas.
5. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
6. All development shall be in conformance with code requirements and design standards of all City departments.
7. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
8. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - SDR-4619 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: WEINGARTEN REALTY INVESTMENTS -
Request for a Site Development Plan Review FOR TWO PROPOSED RESTAURANT PADS WITHIN AN EXISTING COMMERCIAL CENTER on 10.69 acres adjacent to the southeast corner of Decatur Boulevard and Charleston Boulevard (APN 162-06-112-005, 162-06-112-007, and a portion of 162-06-112-004), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to conditions and amending the following condition:

3. All development shall be in conformance with the submitted plans date stamped *September 21, 2004* except as amended by the recommended conditions.
– UNANIMOUS with STEINMAN excused

This is Final Action

NOTE: Commissioner McSwain disclosed that her company did the original utility installation on this project, which has been completed. Her company has no interest in this application, so she would be voting on this item.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 18 – SDR-4619

MINUTES – Continued:

DAVID CLAPSADDLE, Planning and Development, stated that the item was previously held in abeyance to allow the applicant time to work with the staff on a revised Site Plan, which now meets all standards of the Code. Staff's prior concern was that the internal driveways did not align and there was not a bus turnout.

MARK SEBRAW, 2756 N. Green Valley Parkway, Henderson, NV, appeared on behalf of Weingarten Realty Investments, and agreed to staff's recommendations.

COMMISSIONER DAVENPORT questioned if the bus turn out was far enough back from where it is being proposed. His concern was with existing traffic backing up on Charleston Boulevard due to bus stops that would prevent drivers from making right turns. DAVID GUERRA, Public Works, replied that the bus turn out would begin east of the Taco Bell property and would be installed on Weingarten Realty Investments' property. He added that the bus turn out would be installed further east than standard drawings, and Public Works did not see a large amount of traffic being backed up.

MARGO WHEELER, Planning and Development, stated due to having a revised Site Plan, Condition 3 needed to be amended to reflect the current plan, date stamped September 21, 2004.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:24 – 6:27)
1-794

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.
3. All development shall be in conformance with the submitted plans dated stamped September 17, 2004 except as amended by the recommended conditions.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 18 – SDR-4619

CONDITIONS – Continued:

Public Works

4. Reconstruct the driveway adjacent to this site meet current standards. Construct the bus turnout in accordance with Standard Drawings #234.1 or #234.3 and 234.2. Meet with the Traffic Engineering Representative in Land Development for assistance in the redesign of the driveway access prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. The driveways accessing Charleston Boulevard shall receive approval from the Nevada Department of Transportation.
5. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
6. Site development to comply with all applicable conditions of approval for the Westland Fair (Commercial Subdivision) and all other subsequent site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - ZON-4828 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: PLASIM HOMES, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE) on 16.0 acres adjacent to the northwest corner of Monte Cristo Way and O'Bannon Drive (APN 163-03-302-004, 005, and 006), Ward 1 (Moncrief).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

36

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at Planning Commission – (3) Letters of Opposition, Anna Williams, dated 8/24/04 and 9/23/04 (2)

MOTION:

McSWAIN – TABLED with the requirement that the application must be reactivated prior to 12/23/2004 – Motion carried with DAVENPORT voting NO and STEINMAN excused

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 19 [ZON-4828] and Item 20 [SDR-4837].

In response to CHAIRMAN TRUESDELL'S question as to whether or not the applicant was present, COMMISSIONER DAVENPORT advised him that the representative, ATTORNEY PAUL LARSEN, should arrive shortly and requested trailing the item. CHAIRMAN TRUESDELL concurred.

After trailing the item, PAUL LARSEN, Attorney, 300 S. Fourth Street, appeared on behalf of the applicant and thanked the Commission for trailing the item. He indicated that that he had recently met with COUNCILWOMAN MONCRIEF after she had a meeting with residents and

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 19 – ZON-4828

MINUTES – Continued:

many changes had been noted on the Site Plan he was referencing. Some of the changes included relocating the entrance from the south side of the project to the north side, the elimination of some open space, decreasing the number of lots and having single story lots on one side of the development. He continued that his client has been in Israel for the holidays and he has not been able to go over the suggestions in detail. Because the changes are a result of neighborhood opposition and their suggestions, he asked that the item be tabled so those significant changes can be reviewed and the project can be redone. ATTORNEY LARSEN did not know when his client would be returning from overseas and requested the item be tabled. He acknowledged that the applicant would be responsible for re-notification when the application was re-activated.

CHAIRMAN TRUESDELL confirmed with KYLE WALTON, Planning and Development, that the item has been previously abeyed twice. CHAIRMAN TRUESDELL appreciated the comments of ATTORNEY LARSEN but felt that with so many people wishing to speak, he would not be comfortable unless they were given time to voice their concerns in case they are unable to come back at a later date. ATTORNEY LARSEN understood and said he would take notes while the neighbors were speaking to document their interests. He added that the project they would be speaking on is not necessarily going to be the same project he and his client will be bringing back if the request to table the item is accepted.

COMMISSIONER DAVENPORT asked if the applicant would consider requesting the item be withdrawn with prejudice since the changes are going to basically create a new project. ATTORNEY LARSEN stated he did not have authority from his client to do more than request the item be tabled and if necessary, accept a time certain period of 60-days. He understood the Commission's concern over the number of neighbors in attendance wishing to speak in opposition of the project. COMMISSIONER DAVENPORT reminded everyone that the last time the applicant requested an abeyance it was to allow time for a neighborhood meeting.

COMMISSIONER EVANS asked for clarification on tabling an item as opposed to withdrawing an item. DEPUTY CITY ATTORNEY BRYAN SCOTT replied that tabling an item results in the item being held in limbo. A withdrawal without prejudice would require the applicant to resubmit a new application instead of doing a re-notification that the old application was being heard again. COMMISSIONER DAVENPORT suggested that since the applicant is doing a major redesign, why not just withdraw the item? ATTORNEY LARSEN said tabling would save the applicant a small amount of time and fee money. The re-notification would be the same whether tabled or withdrawn.

COMMISSIONER DAVENPORT said that his main concern was that the previous abeyances were requested to allow time for neighborhood meetings that the applicant never had.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 19 – ZON-4828

MINUTES – Continued:

ATTORNEY LARSEN reiterated that COUNCILWOMAN MONCRIEF held the neighborhood meeting and he then met with her to note the suggestions. He noted the suggestions are major and extensive. COMMISSIONER DAVENPORT asked if ATTORNEY LARSEN was present at the meeting. ATTORNEY LARSEN replied that he was not present at the meeting but he had spoken with one neighborhood representative who informed him there was nothing more to talk about and no need to have a meeting. Because of that, COUNCILWOMAN MONCRIEF held the meeting instead of the applicant. COMMISSIONER DAVENPORT then suggested that the item should be withdrawn and have the applicant start over with a new site plan. ATTORNEY LARSEN reiterated that he did not have authority from his client to do more than request the item be tabled.

VICE CHAIRMAN NIGRO asked would there be a conflict with the State law regarding the three abeyances if the item was tabled? DEPUTY CITY ATTORNEY SCOTT replied that the State law does not state that an item cannot be heard more than twice; it does state that an item cannot be abeyed continuously without having good cause. ATTORNEY LARSEN commented that the purpose of the State law is to protect the applicant and not have the application continued indefinitely. In addition, State law does state that if an application is not acted on within a certain amount of time, it is deemed as denied. The exception is if the applicant asks for the abeyance or consents to it on public record, then the applicant cannot complain about it. COMMISSIONER EVANS respectfully disagreed and stated that the State law was enforced to keep those individuals attending these meetings from getting worn down by applicants who consistently request abeyances. ATTORNEY LARSEN stated that this is his first appearance on this item, and he came into this project with good faith. He felt that the residents' concerns were taken into consideration and are now asking that the item be held in abeyance to allow time for modifying the project. CHAIRMAN TRUESDELL asked if the applicant would agree to a condition requiring a public meeting, one that is well in advance of the item coming back before the Commission, so that the residents and the applicant could resolve any and all issues. In addition, this would give the residents a reasonable expectation of what will be done in a timely manner. ATTORNEY LARSEN added that the applicant would also agree to a condition that the item could not be placed back on the agenda unless there is a public meeting beforehand.

To avoid tabling the item for an extended period of time, VICE CHAIRMAN NIGRO asked if a condition could be placed with the motion to table the item stipulating that the application is automatically withdrawn if the application is not activated within 90 days? DEPUTY CITY ATTORNEY SCOTT responded that this is usually not done on a tabled item. ATTORNEY LARSEN informed the Commission that the applicant would agree with the condition if stipulated.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 19 – ZON-4828

MINUTES – Continued:

CHAIRMAN TRUESDELL stated that, in all fairness to the residents, the Commission does not want to drag this item out and have the residents attend another meeting with no resolutions. He then asked the residents that as they made comments, to consider the possibility of tabling the item with the added condition. COMMISSIONER EVANS added that the residents should keep in mind that it is difficult to accept testimonies for an application that would most likely change, as well as, it would be difficult to remember most of the testimonies made at this meeting should the application come back with 90 days.

ANA WILLIAMS, 7451 O'Bannon Drive, Las Vegas, NV 89117, resides across the street from the proposed project and is a representative of the Neighborhood Alliance. She submitted and read her letter of opposition to table the item and requested the item be heard at this meeting. COMMISSIONER McSWAIN acknowledged MS. WILLIAMS' frustration with the applicant's performance; however, she expressed great concern for taking action on an application that the applicant has clearly stated would have modifications. She would prefer that the Commission has the opportunity, prior to the application going before City Council, to provide input and see what modifications the applicant makes. MS. WILLIAMS replied that if the application is tabled, there is no guarantee that the applicant would come back with those changes, as the applicant had not done so with previous stipulations. COMMISSIONER McSWAIN understood and respected MS. WILLIAMS' concerns and then explained why she would be less supportive of denying the application. She pointed out that even with the risk, the Commission has clearly expressed their expectations. In addition, ATTORNEY LARSEN has met with COUNCILWOMAN MONCRIEF, and he has stated, for the record, that he is willing to have the application withdrawn should there not be a revised application or a neighborhood meeting does not take place. With the added condition, she felt that there is a better chance in protecting the neighborhood relative to what ends up being on the parcel. MS. WILLIAMS replied that she understood the risks involved and added that the City Council may not vote in their favor. She stressed the point that the proposed project is highly incompatible with the neighborhood. COMMISSIONER McSWAIN replied that although she could not predict what action the City Council would take, she felt that the City Council would do what is in the best interest of the neighborhood.

R. GARN MABEY JR., Nevada State Assemblyman-District 2 and KYLE STEVENS, 2231 S. Monte Cristo Way, Las Vegas, NV 89117 both agreed with MS. WILLIAMS' comments. They stressed the residents' concerns with the applicant's performance and felt that the developer has not acted in good faith. In addition, the attorney was not in attendance at this meeting until a telephone call was made.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 19 – ZON-4828

MINUTES – Continued:

ATTORNEY LARSEN responded that it has been very difficult to meet with the applicant and the engineer regarding modifications when the applicant has been out of town. Although the residents' concerns have been noted, MS. WILLIAMS has informed him that another meeting was not necessary. He emphasized that time is necessary in order for him to meet with his client and the engineer to review the application and the changes.

COMMISSIONER DAVENPORT then asked ATTORNEY LARSEN if the applicant knew he was going to Israel for a religious holiday when he appeared before the Commission requesting the previous abeyance? ATTORNEY LARSEN replied that his client was in Israel at that time, and he has not had the opportunity to meet him face to face. COMMISSIONER DAVENPORT commented that ATTORNEY LARSEN'S client knew he would not be able to attend this meeting. ATTORNEY LARSEN replied that he was not aware of the reasons as to why his client was not able to return in time for this meeting.

CHAIRMAN TRUESDELL then requested a motion take place, with the inclusion of the added condition. COMMISSIONER DAVENPORT replied that he would oppose tabling the item, as it is obvious the residents are in attendance and would like to be heard. He added that the client was aware of the meeting and has been given abeyances. He can meet with COUNCILWOMAN MONCRIEF prior to City Council. He agreed with COMMISSIONER McSWAIN regarding the Commission having the opportunity, prior to the application going before City Council, to provide input and see what modifications the applicant made. However, if the residents would like the application forwarded to City Council, he would oppose to tabling the item.

COMMISSIONER EVANS agreed with COMMISSIONER McSWAIN as well regarding the Commission having input. If the Commission does not table the item, he is concerned that the application will go before City Council, who would then vote, and the process would start all over again, and then the residents would have to attend another Planning Commission meeting, and most likely, another City Council meeting. He added that there is a willingness on the part of the applicant to make this proposed project less egregious to the neighborhood. He would support tabling the application with the caveat for ATTORNEY LARSEN and his applicant, in hopes that this will avoid having the residents attend another meeting.

VICE CHAIRMAN NIGRO agreed with COMMISSIONER EVANS' comments regarding tabling the item. He also agreed with COMMISSIONER McSWAIN regarding the Commission having the opportunity, prior to the application going before City Council, to provide input and see what modifications the applicant made. He stressed that he would not support another postponement within the 90-day period, if approved.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 19 – ZON-4828

MINUTES – Continued:

ROBERT GENZER, Planning and Development, confirmed with ATTORNEY LARSEN that he understood, as with any tabled item, the applicant is responsible for the renotification costs involved.

MS. WILLIAMS stated that in her letter to ATTORNEY LARSEN, she indicated she would be willing to have a meeting. She would not agree to ATTORNEY LARSEN'S suggestion to start all over again, as if this was a new application; however, the residents previously had a meeting and their concerns were forwarded to ATTORNEY LARSEN. She felt his suggestion was unfair to the residents, as they would like to see this property developed. In addition, they would like for the applicant to be fair, equitable and considerate of the residents' concerns, as well as, not delay the application.

COMMISSIONER DAVENPORT confirmed with ATTORNEY LARSEN that he would notify the Commissioner in advance of the next meeting. CHAIRMAN TRUESDELL stated that he would support tabling the item, as the goal is to limit the timeframe so the residents would not have to remain in uncertainty. He asked that ATTORNEY LARSEN and his applicant make every effort to keep the residents informed, and ATTORNEY LARSEN concurred.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 19 [ZON-4828] and Item 20 [SDR-4837].

(6:27 – 6:28/6:37 – 7:06)

1-904/1-1255

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - SDR-4837 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4828 - PUBLIC HEARING – APPLICANT/OWNER: PLASIM HOMES, LLC - Request for a Site Development Plan Review FOR A 39 LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION on 16.0 acres adjacent to the northwest corner of Monte Cristo Way and O'Bannon Drive (APN 163-03-302-004, 005, and 006), R-E (Residence Estates) Zone [PROPOSED: R-PD2 (Residential Planned Development - 2 Units Per Acre)], Ward 1 (Moncrief).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

47

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at Planning Commission – (3) Letters of Opposition, Anna Williams, dated 8/24/04 and 9/23/04 (2)

MOTION:

McSWAIN – TABLED with the requirement that the application must be reactivated prior to 12/23/2004 – Motion carried with DAVENPORT voting NO and STEINMAN excused

MINUTES:

See Item 19 [ZON-4828] for all related discussion on Item 19 [ZON-4828] and Item 20 [SDR-4837].

(6:27–6:28/6:37–7:06)

1-904/1-1255

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - SUP-4814 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HANDY CASH LOAN CENTERS - OWNER: CHEYENNE LORENZI, LTD - Request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED WITH A SEPARATION OF ZERO FEET WHERE 200 IS REQUIRED FROM A RESIDENTIAL PROPERTY, A SEPARATION OF 800 FEET WHERE 1,000 FEET IS REQUIRED FROM A SIMILAR USE, AND A WAIVER OF THE 1,500 SQUARE FOOT INTERIOR SPACE REQUIREMENT adjacent to the southeast corner of Cheyenne Avenue and Rainbow Boulevard (APN 138-14-101-005), C-1 (Limited Commercial) Zone, Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – DENIED – UNANIMOUS with STEINMAN excused

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development, stated that this application was previously held in abeyance to allow staff time to research whether or not the Special Use Permit (SUP) was required. The SUP was required, but there were no changes in staff's report, so the recommendation was still for denial.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 21 – SUP-4814

MINUTES – Continued:

LAWRENCE LICAUSI, 333 N. Rancho, Las Vegas, NV 89106, questioned the square footage (772 square feet) for the proposed location that was indicated in staff's report. MARGO WHEELER, Planning and Development, replied that it was 778 square feet. MR. LICAUSI clarified that the square footage is 1,352 for the proposed location. He also informed CHAIRMAN TRUESDELL that the architectural scale reflected 26 x 52, which has been provided to staff. It was MR. LICAUSI'S opinion that the recently adopted Ordinance classified his business into an industry they are not a part of, and it was unfair that they are now subjected to rules and regulations, such as the separation distance requirement, that are not relative to his business. CHAIRMAN TRUESDELL commented that the process of measuring distance for businesses is under the Code. He appreciated MR. LICAUSI'S concerns but added that the Commission has to base their action upon staff's report and the Ordinance that was recently adopted, as well as, determine if the use is appropriate and compatible with the surrounding use. MR. LICAUSI referenced various types of business licenses and reiterated that there was not sufficient research done to make educated decisions concerning the Ordinance.

For the record, DEPUTY CITY ATTORNEY BRYAN SCOTT responded that along with ROBERT GENZER, Planning and Development, and MS. WHEELER, several iterations took place with representatives from the industry. After receiving input from the representatives within the industry, the Ordinance was drafted and thereafter adopted. So, the process was an open discussion whereby the information received assisted in making education decisions concerning the Ordinance. The discussions were advertised to the general public and any member of the public or the industry had every opportunity to provide information or voice concerns.

CHAIRMAN TRUESDELL reiterated DEPUTY CITY ATTORNEY SCOTT'S comments regarding the discussions being advertised to the general public, and now the Commission needs to take action on what was presented before them.

COMMISSIONER McSWAIN expressed empathy for MR. LICAUSI'S dislike of being wrongly categorized; however, she felt that this was not the venue where his concerns could be dealt with. She concurred with staff's recommendations.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - SUP-4830 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH - Request for a Special Use Permit FOR A 40 FOOT HIGH, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN adjacent to the northwest corner of Westcliff Drive and Rainbow Boulevard (APN 138-27-802-004), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 2 (Wolfson).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 14 [MSP-5152] and Item 22 [SUP-4830] to 10/07/2004 Planning Commission meeting, Item 34 [ZON-4991], Item 35 [SDR-4985] and Item 49 [SDR-4978] to 10/21/2004 Planning Commission meeting – UNANIMOUS with STEINMAN excused

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development, stated that staff agreed with the abeyance, with the understanding that the applicant would define the height of the billboard, submit an image of what it would look like, and what impact it would have on the intersection. JENNIFER LAZOVICH, Attorney, 3800 Howard Hughes Parkway, concurred with staff's request.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:02 – 6:18)

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ABEYANCE - WVR-4833 - WAIVER - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RANDEER, LLC - Request for a Waiver to Title 18.12.160 TO ALLOW APPROXIMATELY 90 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED adjacent to the northwest corner of Cimarron Road and Deer Springs Way (APN 125-21-202-004), T-C (Town Center) Zone, Ward 6 (Mack).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions and deleting Condition 3 – UNANIMOUS with McSWAIN abstaining as her company is presently doing work for Richmond American Homes and STEINMAN excused

To be heard by the City Council on 10/20/2004

NOTE: Chairman Truesdell disclosed that when the application previously came before the Commission, the Notification area included a parcel that he was involved with. He is no longer involved with that parcel and has no interest or economic benefit, so he would be voting on this item.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 23 [WVR-4833] and Item 24 [SDR-4832]. He then excused and thanked the members of Boy Scouts, Troop 132, for attending the meeting.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 23 – WVR-4833

MINUTES – Continued:

DAVID CLAPSADDLE, Planning and Development, stated that there have been major changes to the site plan. The lots have been reduced to 70, there is only one street connection and a waiver is not needed for the exterior street intersections. Staff recommended denial because single family residential was never intended for this parcel; more so mixed residential and commercial uses.

JENNIFER LAZOVICH, 3800 Howard Hughes Parkway, showed photos and reiterated MR. CLAPSADDLE'S brief overview of the proposed project. She added that the applicant felt the proposed project was a good transition with the residential on Cimarron Road onto Sky Pointe Drive.

VICE CHAIRMAN NIGRO stated he supported this being a residential site because the access is an issue for commercial property considering how the frontage road and the freeway intersections work. He respectfully disagreed with staff's recommendation. He acknowledged staff's comments and commented that the way the area is being developed has changed as well as the traffic patterns.

JENNIFER LAZOVICH asked that Condition 3 be deleted because it related to the old site plan and is no longer required. DAVID GUERRA, Public Works Department, verified that the revisions shown on the revised site plan would not require Condition 3 to remain in place. CHAIRMAN TRUESDELL confirmed with MR. CLAPSADDLE that the revised site plan referenced is dated 9/21/2004 and that Condition 5 of the site plan review application should be amended to reflect that date.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 23 [WVR-4833] and Item 24 [SDR-4832].

(7:07 – 7:15)
1-2496

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0076-098).
2. All City Code Requirements and all City Departments design standards shall be met, other than those waived or varied through this and companion applications.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 23 – WVR-4833

CONDITIONS – Continued:

Public Works

3. Install median islands that limit both driveways to right in right out only movements to prevent conflicting movements. Meet with the Traffic Engineering Representative in Land Development for assistance in the design of the medians at both driveway access points.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - SDR-4832 - SITE DEVELOPMENT PLAN REVIEW RELATED TO WVR-4833 - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RANDEER, LLC - Request for an Site Development Plan Review FOR A 131 LOT SINGLE FAMILY DETACHED DEVELOPMENT on 11.3 acres adjacent to the northwest corner of Cimarron Road and Deer Springs Way (APN 125-21-202-004), TC (Town Center) Zone, Ward 6 (Mack).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions, deleting Condition 17 and amending Condition 5 as follows:

5. All development shall be in conformance with the site plan, landscape plan and building elevations, dated stamped *September 21, 2004*, except as amended by conditions herein.
– UNANIMOUS with McSWAIN abstaining as her company is presently doing work for Richmond American Homes and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

See Item 23 [WVR-4833] for all related discussion on Item 23 [WVR-4833] and Item 24 [SDR-4832].

(7:07 – 7:15)

1-2496

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 24 – SDR-4832

CONDITIONS:

Planning and Development

1. A revised landscaping plan that shows shade and flowering trees along Cimarron Road shall be submitted to the Planning and Development Department prior to the issue of building permits.
2. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
3. This Site Development Plan Review shall expire two years from the date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
4. The minimum lot size in this development shall be 3,750 square feet. The setbacks for this development are a minimum of 10 feet to the front of the house, 18 feet to the garage, 5 feet on the side, and 10 feet in the rear.
5. All development shall be in conformance with the site plan, landscape plan and building elevations, dated stamped September 2, 2004, except as amended by conditions herein.
6. The maximum building height allowed shall not exceed 2 stories or 35 feet whichever is less.
7. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
8. Air conditioning units shall not be mounted on rooftops.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
10. All City Code requirements and design standards of all City departments must be met except as amended by conditions herein.
11. The applicant shall meet with Planning and Development Staff to develop an address plan prior to the issue of permits.
12. Perimeter walls shall be limited to 8 feet in height.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 24 – SDR-4832

CONDITIONS – Continued:

Public Works

13. Dedicate those portions of Sky Pointe Drive not previously dedicated to complete a 90 foot width.
14. Construct, per Town Center Standards, full width half-street improvements on Sky Pointe Drive adjacent to this site concurrent with development of this site. Also construct, per Town Center Standards, all incomplete half-street improvements on Cimarron Road adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
15. Extend public sewer to the north and the northwest edges of this site at a depth and location acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by approval imposed by the Planning Commission or the City Council on the development of this site.
18. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
19. An Encroachment Permit from the Nevada Department of Transportation must be obtained for all improvements in the Sky Pointe Drive public right-of-way.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 24 – SDR-4832

CONDITIONS – Continued:

20. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first. We note that non-standard cul-de-sacs without sidewalks are proposed within this subdivision and must receive specific written approval for such from the City Engineer.the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
16. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located in the public Cimarron Road and Sky Pointe Road rights-of-way adjacent to this site prior to occupancy of this site.
17. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the submittal of any construction drawings or issuance of any building or grading permits. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - MOD-4632 - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC - Request for a Major Modification to the Lone Mountain Master Development Plan FROM: VC (VILLAGE COMMERCIAL) TO: MLA (MEDIUM-LOW ATTACHED RESIDENTIAL) on 3.7 acres adjacent to the southwest corner of Buckskin Avenue and Shady Timber Street (a portion of APN 137-12-401-022 and a portion of 137-12-801-001), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her company is presently under contract with Royal Construction and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 25 [MOD-4632], Item 26 [WVR-4754] and Item 27 [SDR-4751].

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 25 – MOD-4632

MINUTES – Continued:

KYLE WALTON, Planning and Development Department, explained that the Commission had heard this application previously when it was a proposed mini warehouse, which was intended to act as a buffer to the parcel to the south, which is currently a Walmart. It was also to serve as a buffer to the residential area to the northeast of the site. The current application is proposing the removal of the buffer so the residential is adjacent to the commercial instead of being buffered by the warehouse. Because of those changes, in addition to the removal of more commercial, staff is unable to support the revised plan. Because of staff's denial recommendation of the Major Modification, staff must also recommend denial of the Waiver and Site Plan Review.

JENNIFER LAZOVICH, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and pointed out the location to the Commission. She indicated the property is sandwiched between a commercial shopping center and several other uses. The applicant believes the requested modification to the Lone Mountain Master Plan is appropriate in this case because the proposed duplex product would provide a better transition than the originally proposed mini storage facility. Having residential across the street from existing residential is more appropriate.

She discussed some conditions that were placed on the adjacent shopping center that affects the current application. The conditions of no shopping center traffic being allowed on Shady Timber Street emphasizes that the street is residential. The applicant feels the commercial should stop at the shopping center because moving further up with commercial will result in homes being across the street from commercial.

COMMISSIONER GOYNES stated that he thought the proposed project would be a good transition and buffer with homes against homes. He indicated the area has changed in terms of what was originally proposed and what is going to be there now. He would support the item.

CHAIRMAN TRUESDELL commented that he liked the project for homes better than for a mini storage warehouse. He voiced concern over having multiple houses situated on a street so that the lack of articulation causes the visual effect to be canyon like. He would support the item.

MS. LAZOVICH asked that a clarification be made on Condition 19 of Item 27 [SDR-4751]. She thought the verbiage needed to be revised to indicate a revision to the Traffic Impact Analysis was required, not a new study. DAVID GUERRA, Public Works Department, verified MS. LAZOVICH'S comments as true. A study is already on file for this location and an update should be required. He read the amended language for Condition 19.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 25 – MOD-4632

MINUTES – Continued:

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 25 [MOD-4632], Item 26 [WVR-4754] and Item 27 [SDR-4751].

(7:15 – 7:24)
1-2888

CONDITIONS:

Planning and Development

1. Approval of a Waiver (WVR-4754) of Title 18 intersection separation requirements and a Site Development Plan Review (SDR-4751) by the City Council.
2. Conformance to the Lone Mountain Master Development Plan, except as amended by this request.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - RENOTIFICATION - WVR-4754 - WAIVER RELATED TO MOD-4632 - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC - Request for Waivers of TITLE 18.12.160 TO ALLOW A 210-FOOT SEPARATION DISTANCE BETWEEN INTERSECTIONS WHERE A MINIMUM OF 220 FEET IS REQUIRED WHEN PROVIDING EXTERNAL ACCESS FROM A SUBDIVISION TO AN EXISTING STREET HAVING A RIGHT-OF-WAY WIDTH OF 60 FEET OR MORE AND OF 18.12.130 TO ALLOW A PRIVATE DRIVE GREATER THAN 150 FEET WITHOUT A CIRCULAR TURN-AROUND OR EMERGENCY SERVICE VEHICLE ACCESS GATE, IN CONJUNCTION WITH A PROPOSED 44-LOT SINGLE-FAMILY ATTACHED RESIDENTIAL DEVELOPMENT on 3.70 acres adjacent to the southwest corner of Shady Timber Street and Buckskin Avenue (a portion of APN 137-12-401-022 and a portion of 137-12-801-001), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) [Village Commercial Lone Mountain Special Land Use Designation - PROPOSED: MLA (Medium-Low Attached Residential)], Ward 4 (Brown).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her company is presently under contract with Royal Construction and STEINMAN excused

To be heard by the City Council on 10/20/2004

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 26 – WVR-4754

MINUTES:

See Item 25 [MOD-4632] for all related discussion on Item 25 [MOD-4632], Item 26 [WVR-4754] and Item 27 [SDR-4751].

(7:15 – 7:24)
1-2496

CONDITIONS:

Planning and Development

1. Approval of a Major Modification (MOD-4632) of the Lone Mountain Master Plan to MLA (Medium-Low Attached Residential) and a Site Development Plan Review (SDR-4751) by the City Council.
2. A fire suppression system be provided to those units located adjacent to Shady Timber Street.
3. All City Code Requirements and all City Departments design standards shall be met, other than those waived or varied through this and companion applications.
4. Comply with all applicable conditions of approval for SDR-4751 and all other applicable site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - SDR-4751 - SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-4632 AND WVR-4754 - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC - Request for a Site Development Plan Review FOR A PROPOSED 44-LOT SINGLE-FAMILY ATTACHED RESIDENTIAL DEVELOPMENT on 3.70 acres adjacent to the southwest corner of Shady Timber Street and Buckskin Avenue (a portion of APN 137-12-401-022 and a portion of 137-12-801-001), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) [Village Commercial Lone Mountain Special Land Use Designation - PROPOSED: MLA (Medium-Low Attached Residential)], Ward 4 (Brown).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED – subject to conditions and amending Condition 19 as follows:

19. *An update to the Master Traffic Analysis* must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings, or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 27 – SDR-4751

MOTION – Continued:

01.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

– UNANIMOUS with McSWAIN abstaining because her company is presently under contract with Royal Construction and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

See Item 25 [MOD-4632] for all related discussion on Item 25 [MOD-4632], Item 26 [WVR-4754] and Item 27 [SDR-4751].

(7:15 – 7:24)

1-2496

CONDITIONS:

Planning and Development

1. A Major Modification (MOD-4632) to an MLA (Medium-Low Attached Residential) Zone approved by the City Council.
2. Waivers (WVR-4754) of Title 18.12 to allow a reduction in the separation of street intersections and to allow a private drive to be more than 150 feet long without a turnaround or emergency service vehicle access gate approved by the City Council.
3. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
4. All development shall be in conformance with the site plan and building elevations, date stamped 08/18/04, except as amended by conditions herein.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 27 – SDR-4751

CONDITIONS – Continued:

5. The standards for this development shall include the following: minimum lot sizes of 1,580 square feet; minimum lot widths of 23 feet; minimum distances between buildings of 10 feet; maximum building heights of two stories or 35 feet, whichever is less; minimum front yards (to dwelling) of five feet, with no more than 1.5-foot encroachments by patio covers; maximum rear yards (to garage) of six feet, with no more than 2.5-foot encroachments by the buildings' second story; minimum side yards of either zero feet or no less than 3.5 feet; and minimum side corners of 3.5 feet.
6. The site plan shall be revised and approved by Planning and Development Department staff prior to the time application is made for a tentative map to reflect the conditions of MOD-4632 and the conditions herein.
7. Two additional shade trees along Shady Timber Street shall be provided, and Mexican Blue Palm or another acceptable variety shall be substituted for the Mexican Fan Palms. The landscape plan shall be revised and approved by the Planning and Development Department staff prior to the time application is made for a tentative map to reflect the conditions herein.
8. Landscaping and a permanent underground sprinkler system shall be installed and permanently maintained in a satisfactory manner.
9. Air conditioning units shall not be mounted on rooftops.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
11. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
12. All City Code requirements and design standards of all City departments must be satisfied.
13. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

Public Works

14. Coordinate with the City Surveyor to determine whether a Parcel Map or other mapping is necessary for this site; if such map is required it should record prior to the issuance of any permits for this site.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 27 – SDR-4751

CONDITIONS – Continued:

15. Dedicate 30 feet of right-of-way adjacent to this site for Shady Timber Street.
16. Construct all incomplete half-street improvements on Shady Timber Street adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
17. The proposed gated access driveway shall be designed, located and constructed in accordance with Standard Drawing #222a.
18. Extend public sewer in Shady Timber Street to the south edge of this site at a location and to a depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
19. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings, or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing 01.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
20. An update to the Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 27 – SDR-4751

CONDITIONS – Continued:

subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

21. Site development to comply with all applicable conditions of approval for rezoning application Z-33-97, the Lone Mountain Development Master Plan, and all other applicable site-related actions.
22. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
23. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.
24. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
25. The distance from the face of the garage door to the private drive shall be a minimum distance of 18 feet or a maximum distance of 6 feet to prevent a vehicle in the driveway from encroaching into the vehicular or pedestrian travel corridor.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - SDR-4935 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: DURANGO AND ELKHORN, LIMITED LIABILITY COMPANY, ET AL - Request for a Site Development Plan Review and Waivers of the Town Center Development Standards for the two-story minimum height requirement in the Urban Center Mixed-Use District and the 70 percent minimum clear glazing requirement at the ground floor level along primary pedestrian routes FOR A PROPOSED 43,200 SQUARE-FOOT COMMERCIAL DEVELOPMENT on 3.94 acres adjacent to the southwest corner of Durango Drive and Elkhorn Road (APN 125-20-101-008 and 009), T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use - Town Center) Land Use Designation], Ward 6 (Mack).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to conditions as amending Condition 16 as follows:

- 16. All development shall be in conformance with the site plan and building elevations, date stamped 9/17/2004 except as amended by conditions herein.**
– UNANIMOUS with STEINMAN excused

This is Final Action.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department, explained that this item was abeyed two weeks prior to allow time for some issues to be clarified. The applicant was from out

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 28 – SDR-4935

MINUTES – Continued:

of state and there was some miscommunication regarding the report; however, staff has met with them and cleared up the confusion. The applicant has added a very nice pedestrian plaza and some outdoor seating. Staff can now recommend approval of this item. MR. CLAPSADDLE asked that Condition 16 be amended to reflect the new site plan stamp date of 9/17/2004.

GORDON SPENCER, 2323 South Shepart, Houston, Texas, appeared on behalf of the applicant and agreed to all conditions.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(7:24 – 7:27)
1-3397

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
3. The applicant shall enter into a development agreement with the city regarding this project per Section 19.18.090, as stipulated A.3.C of the Town Center Development Standards Manual, prior to approval of civil improvement plans. This agreement shall provide for the planning and development of the site, and the regulation and maintenance of development and infrastructure (including parks and trails, water, sanitation, flood control, transportation and off-site improvements) within the site, and will outline the roles and responsibilities of the City and the master developer in the development of this site.
4. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted in the required amenity zones along both Elkhorn

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 28 – SDR-4935

CONDITIONS – Continued:

Road and Durango Drive in accordance with the specified Town Center standards, and landscaping along the west edge of the site and in the parking field to meet the combined total requirement per Title 19.12 standards.

6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. Pursuant to the Town Center Development Standards signs in the Urban Center Mixed-Use district (UC-TC) a Master Sign Plan is required and approved by the Centennial Hills Town Center Architectural Review Committee.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
12. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City departments must be satisfied.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 28 – SDR-4935

CONDITIONS – Continued:

15. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
16. All development shall be in conformance with the site plan and building elevations, date stamped 08/31/04 except as amended by conditions herein.
17. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.

Public Works

18. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of a Final Map or the issuance of any building permits, whichever may occur first. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.
19. Coordinate with the City Surveyor to determine whether a Reversionary Map or other mapping is necessary; if such map is required, it should record prior to the issuance of any permits for this site.
20. Provide a copy of a recorded Joint Access Agreement between all parcels comprising this site prior to the issuance of any permits.
21. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.
22. An update to the previously approved Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 28 – SDR-4935

CONDITIONS – Continued:

concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

23. Landscape and maintain all unimproved rights-of-way on Durango Drive and Elkhorn Road adjacent to this site.
24. Submit an Encroachment Agreement for all landscaping and private improvements located in the Durango Drive and Elkhorn Road public right-of-way adjacent to this site prior to occupancy of this site.
25. Site development to comply with all applicable conditions of approval for Z-85-02 and all other subsequent site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ZON-4981 - REZONING - PUBLIC HEARING - APPLICANT: KIMBALL HILL HOMES - OWNER: UNITED STATES OF AMERICA - Request for a Rezoning FROM: U (UNDEVELOPED) [ML (MEDIUM-LOW DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE) on 5.09 acres at the northwest corner of Tee Pee Lane and Farm Road (a portion of APN 125-18-601-015), Ward 6 (Mack).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

4. Location Map
5. Conditions For This Application
6. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her company is bidding on work with Kimball Hill Homes and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 29 [ZON-4981] and Item 30 [SDR-4982].

KYLE WALTON, Planning and Development Department, stated the applicant is requesting a subdivision, which is very similar to the other projects in the area. The area falls under the Planned Community Development land use classification, which allows a density of up to eight units per acre and the rezoning is R-PD6. The lot types and designs are similar to the existing subdivisions in the area.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 29 – ZON-4981

CONDITIONS:

MARK STURDIVANT, Thomason Consulting Engineers, 3161 East Warm Springs Road, appeared on behalf of the applicant and accepted all conditions. He asked for clarification regarding a comment shown on page three of the Staff Report which identified Tee Pee Lane as an 80 foot, Town Center Collector. After speaking with MR. WALTON, it was agreed that the report should read that it is an 80-foot residential collector. CHAIRMAN TRUESDELL confirmed the information with staff.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 29 [ZON-4981] and Item 30 [SDR-4982].

(7:27 – 7:30)

1-3564

CONDITIONS:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. Approval of a Site Development Plan Review (SDR-4982) by the Planning Commission and City Council prior to the issuance of any permits for this development.

Public Works

3. Dedicate 30 feet of right-of-way adjacent to this site for Donald Nelson Avenue, 40 feet for Farm Road, 40 feet for Tee Pee Lane, a 20 foot radius on the southwest corner of Donald Nelson Avenue and Tee Pee Lane and a 25 foot radius at the northwest corner of Tee Pee Drive and Farm Road.
4. Construct half-street improvements including appropriate overpaving on Donald Nelson Avenue, Farm Road, and Tee Pee Lane adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 29 – ZON-4981

CONDITIONS – Continued:

5. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
6. Obtain an Encroachment Agreement for all landscaping and private improvements in the public rights-of-way adjacent to this site.
7. Landscape and maintain all unimproved right-of-way adjacent to this site concurrent with development of this site.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

SDR-4982 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4981 - PUBLIC HEARING - APPLICANT: KIMBALL HILL HOMES - OWNER: UNITED STATES OF AMERICA - Request for a Site Development Plan Review FOR A 26 LOT SINGLE FAMILY DETACHED RESIDENTIAL DEVELOPMENT on 5.09 acres at the northwest corner of Tee Pee Lane and Farm Road (a portion of APN 125-18-601-015), U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation] [PROPOSED: R-PD6 (Residential Planned Development - 6 Units Per Acre)], Ward 6 (Mack).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her company is bidding on work with Kimball Hill Homes and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

See Item 29 [ZON-4981] for all related discussion on Item 29 [ZON-4981] and Item 30 [SDR-4982].

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 30 – SDR-4982

CONDITIONS:

Planning and Development

1. Approval of a Rezoning (ZON-4981) to R-PD6 (Residential Planned Development – 6 Units Per Acre) by the Planning Commission and City Council prior to the issuance of any permits for this development.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan, landscape plan and building elevations, date stamped August 26, 2004, except as amended by conditions herein.
4. The standards for this development shall include the following: minimum distance between buildings of 10 feet and building height shall not exceed two stories or 35 feet, whichever is less.
5. The setbacks for this development shall be a minimum of 20 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 10 feet on the corner side, and 15 feet in the rear.
6. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
7. Air conditioning units shall not be mounted on rooftops.
8. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

9. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
10. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
11. Site development to comply with all applicable conditions of approval for ZON-4981 and all other subsequent site-related actions.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 30 – SDR-4982

CONDITIONS – Continued:

12. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
13. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ZON-4987 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-D (SINGLE FAMILY RESIDENTIAL-RESTRICTED) on 3.88 acres adjacent to southeast corner of Jones Boulevard and La Madre Way (APN 125-36-401-017), Ward 6 (Mack).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – APPROVED subject to conditions and adding the following conditions:

- The Tentative Map shall show only five building lots along the east property line.
 - Only single story homes may be built on the five lots along the east property line.
- **UNANIMOUS** with **NIGRO** abstaining because he is currently in litigation with a member of the applicant's family and **STEINMAN** excused

To be heard by the City Council on 10/20/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 31 [ZON-4987], Item 32 [SUP-4988] and Item 33 [WVR-4989].

KYLE WALTON, Planning and Development Department, indicated the application is consistent with the rural density, which is currently in the area and is compatible with the surrounding area. There is a church, a veterinarian and a recently approved mini storage complex

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 31 – ZON-4987

MINUTES – Continued:

in the neighborhood. This project would act as an appropriate transition between those uses and the very low density residential to the east, particularly, from the traffic on Jones Boulevard. The site plan reflects a well-designed, single family, detached product. As a straight rezoning, there are no issues regarding open space.

SCOTT RUDY, WRG Design, 3011 West Horizon Ridge Parkway, appeared on behalf of the applicant and agreed to all conditions with the exception of Condition 10 on Item 31 [ZON-4987]. MR. RUDY explained the condition requires the sanitary sewer be located at Lone Mountain Road and Leon Avenue. He said that staff requested this condition because five years ago, the previous property owner elected not to participate in the Special Improvement District (SID) in the area, specifically, the sewer. They did not want a sewer stub at this location because they were not going to develop the site immediately. The property was sold twice in 2004. The current owner would like to hook into the sewer located in Jones Boulevard which is approximately 180 feet away instead of going over 2,200 feet away to the center of Lone Mountain Road and Leon Avenue.

STEVE ROSS 5950 Rosada Way, spoke in opposition of the zoning change. He indicated that directly to the north of the proposed project there is an equine veterinary hospital. Most of the properties in the area are one-acre lots or more and the majority of those properties have horses. Many of the horse owners oppose the zoning change and they surprised staff recommended approval of the item.

JIM CLICKNER, 5925 Rosada Way, resides one block north of the proposed site. He stated he opposed the zone change.

MARK DORSETT, 6051 West Verde Way, lives three houses down from the proposed project. He explained that most residents do have some type of farm animal and they do not want to have the same problems that RC Farms had when residential was allowed to move too close. He has spoken to other residents within the notification circle and they do not oppose residential; however, they would like to be able to meet with the developer and suggest keeping half-acre lots or to keep the zoning at rural so homebuyers should know they are buying horse property.

DAVID GUERRA, Public Works Department, stated that the condition MR. RUDY is referring to regarding the requirement to connect to the sewer at Lone Mountain Road and Leon Avenue is Condition 9, not Condition 10. Condition 10 pertains to a drainage study requirement that should remain in place. He stated that Condition 9 was placed because when staff looked at the site, it originally went to the north and at that time, providing sanitation to it would have been against grade and may not have been able to make grade to connect to the line in Jones Boulevard. Jones Boulevard has had an SID in the last two years and the City does not encourage installation of a brand new street only to have it torn up. MR. GUERRA pointed out

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 31 – ZON-4987

MINUTES – Continued:

that the verbiage on Condition 10 begins with the phrase “Unless allowed otherwise by the City Engineer” and that would allow for the possibility of boring and jacking into the existing line which would limit the interference to Jones Boulevard. He suggested leaving Condition 9 because there is room to work with the City Engineer.

CHAIRMAN TRUESDELL confirmed with MR. RUDY that he understood the language allowed for conversations with the City Engineer. MR. RUDY stated that his engineer previously spoke with the City Engineer and was told that the decision of the previous owner to opt out of the sewer hook-up in the SID was the cause of the condition. The applicant felt the City Engineer would not waive that requirement. CHAIRMAN TRUESDELL commented that the language was clear; there was an opening for discussion with the City Engineer. He did not feel the Planning Commission was prepared to override the City Engineer’s recommendation of where the property should connect to the sewer. COMMISSIONER DAVENPORT summarized that the previous owner did not want to put in a sewer stub as part of the SID and now the current owner does not want to pay to attach to that sewer. MR. RUDY clarified that the previous owner did take part in that SID; however, they did not take part in the sewer connection portion. MR. RUDY reminded the Commission that he could not speak on behalf of the previous owner. COMMISSIONER DAVENPORT replied that the buyer should have been made aware of the stipulations and conditions associated with the property when it was purchased.

CHAIRMAN TRUESDELL acknowledged the comments of the neighbors regarding their opposition to the rezoning. He wanted to be clear that the applicant on the proposed project would have to disclose to potential buyers that area residents have animals. He stated Jones Boulevard would not be a quiet street at that intersection and the completion of the property as an infill piece is important. He would support the application but wanted everyone to know there are not a lot of waivers being approved to get the development built. DAVID CLAPSADDLE, Planning and Development Department, informed the Chairman that there is one waiver being requested that pertained to the intersection standard, all other components of the project would have to be installed according to Code. CHAIRMAN TRUESDELL commented that a waiver of that nature would still be necessary even if there were only four lot subdivisions facing both streets. In this application, there is one entrance and that offers more control than other design situations.

COMMISSIONER McSWAIN asked MR. RUDY about elevations. He replied there are no submitted elevations at this time. The product has not been specified; however, the applicant intends to meet the minimum setback for the RE zoning district. She concurred with staff on their assessment of the project and indicated she was concerned over the two properties this project would be adjacent to. She acknowledged the applicant’s willingness to comply with the

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 31 – ZON-4987

MINUTES – Continued:

setback requirement but felt the block wall running the entire length to the street seemed excessive. She was curious about the homes along the back wall being single story. She confirmed with MR. RUDY that the setback to the rear is 30 feet.

COMMISSIONER EVANS asked what could be done to mitigate concerns over the two adjacent property owners. He concurred with CHAIRMAN TRUESDELL that Jones Boulevard does not have the rural character it did up until not too long ago. He noted that the staff report stated the project was in compliance with the General Plan and he agreed; however, he had a difficult time agreeing that six lots abutting two lots would be compatible, as staff had stated. DEPUTY CITY ATTORNEY BRYAN SCOTT cautioned that since there was no site plan at this time, the discussion was getting away from what was on the agenda. COMMISSIONER EVANS stated that the rezoning affects the density that is allowed at the site. DEPUTY CITY ATTORNEY SCOTT suggested holding the item until there is a site plan to review. MR. WALTON said that on a straight rezoning, a site plan is not required. ROBERT GENZER, Director, Planning and Development Department, explained to COMMISSIONER EVANS that he would see the item again when the Tentative Map was submitted. MR. GENZER indicated that a condition could be imposed stating that only single story homes could be built along the east side of the property. CHAIRMAN TRUESDELL stated he was in support of the project but would also support limiting the residential height on the east side of the street.

COMMISSIONER McSWAIN stated she would feel more comfortable supporting the application without a site plan if the applicant would reduce one of the lots along the back wall and accept a single story restriction. In most rezoning cases, there is a site plan involved and not having one made her uncomfortable.

MR. CLAPSADDLE indicated the revised verbiage for the conditions and verified with COMMISSIONER McSWAIN that she wanted two separate conditions. CHAIRMAN TRUESDELL confirmed with MR. RUDY that he understood the conditions.

(7:31 – 7:52)
2-75

CONDITIONS:

Planning and Development

1. A Resolution of Intent with a two-year time limit.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 31 – ZON-4987

CONDITIONS – Continued:

2. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
3. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
4. Air conditioning units shall not be mounted on rooftops.
5. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

6. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of a Final Map. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.
7. Construct half-street improvements, including appropriate overpaving, on La Madre Way and Verde Way adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
8. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 31 – SON-4987

CONDITIONS – Continued:

9. Unless otherwise allowed by the City Engineer, extend public sanitary sewer from this site to connect with the existing sewer at the intersection of Lone Mountain Road and Leon Avenue at an alignment and depth acceptable to the Collection System Planning Section of the Department of Public Works and provide a plan for this connection prior to submittal of a Final Map for this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits.
10. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
11. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

SUP-4988 - SPECIAL USE PERMIT RELATED TO ZON-4987 - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS - Request for a Special Use Permit FOR PRIVATE STREETS IN A PROPOSED 13 LOT SINGLE FAMILY DEVELOPMENT adjacent to the southeast corner of Jones Boulevard and La Madre Way (APN 125-36-401-017), R-E (Residence Estates) Zone [PROPOSED: R-D (Single Family Residential-Restricted)], Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – APPROVED subject to conditions – UNANIMOUS with NIGRO abstaining because he is currently in litigation with a member of the applicant’s family and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

See Item 31 [ZON-4987] for all discussion related on Item 31 [ZON-4987], Item 32 [SUP-4988] and Item 33 [WVR-4989].

(7:31 – 7:52)

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 32 – SUP-4988

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4987) and Special Use Permit (SUP-4988).
2. All City Code Requirements and all City Departments design standards shall be met, other than those waived or varied through this and companion applications.
3. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

4. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A.
5. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
6. Private streets shall be public utility easements (P.U.E.), City of Las Vegas sewer easements and public drainage easements to be privately maintained by the Homeowner's Association.
7. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
8. Site development to comply with all applicable conditions of approval for ZON-4987 and all other subsequent site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

WVR-4989 - WAIVER RELATED TO ZON-4987 AND SUP-4988 - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS - Request for a Waiver of Title 18.12.160 TO ALLOW APPROXIMATELY 200 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS MINIMUM DISTANCE REQUIRED FOR A PROPOSED 13 LOT SINGLE FAMILY DEVELOPMENT on 3.88 acres adjacent to the southeast corner of Jones Boulevard and La Madre Way (APN 125-36-401-017), R-E (Residence Estates) Zone [PROPOSED: R-D (Single Family Residential-Restricted)], Ward 6 (Mack).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

1

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – APPROVED subject to conditions – UNANIMOUS with NIGRO abstaining because he is currently in litigation with a member of the applicant's family and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

See Item 31 [ZON-4987] for all discussion related on Item 31 [ZON-4987], Item 32 [SUP-4988] and Item 33 [WVR-4989].

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 33 – WVR-4989

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4987) and Special Use Permit (SUP-4988).
2. All City Code Requirements and all City Departments design standards shall be met, other than those waived or varied through this and companion applications.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ZON-4991 - PUBLIC HEARING - APPLICANT: RANDY BLACK, JR. - OWNER: DURANGO TOWN CENTER, LLC AND JIM MARSH AMERICAN CORPORATION - Request for a Rezoning FROM: U (UNDEVELOPED) [TC (TOWN CENTER) GENERAL PLAN DESIGNATION] TO: T-C (TOWN CENTER), on 4.79 acres adjacent to the southeast corner of Regena Avenue and Riley Street (APN 125-29-502-010), Ward 6 (Mack).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 14 [MSP-5152] and Item 22 [SUP-4830] to 10/07/2004 Planning Commission meeting, Item 34 [ZON-4991], Item 35 [SDR-4985] and Item 49 [SDR-4978] to 10/21/2004 Planning Commission meeting – UNANIMOUS with STEINMAN excused

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:02 – 6:18)

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SDR-4985 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4991 - PUBLIC HEARING - APPLICANT: RANDY BLACK, JR. - OWNER: DURANGO TOWN CENTER, LLC AND JIM MARSH AMERICAN CORPORATION - Request for a Site Development Plan Review FOR A MEDICAL/PROFESSIONAL/RETAIL DEVELOPMENT on 22.31 acres adjacent to the southeast corner of Regena Avenue and Riley Street (APN 125-29-502-010 and 125-29-510-006, 125-29-601-002 and 020), U (Undeveloped) Zone [T-C (Town Center) General Plan Designation] and TC (Town Center) [PROPOSED: T-C (Town Center)] Ward 6 (Mack).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 14 [MSP-5152] and Item 22 [SUP-4830] to 10/07/2004 Planning Commission meeting, Item 34 [ZON-4991], Item 35 [SDR-4985] and Item 49 [SDR-4978] to 10/21/2004 Planning Commission meeting – UNANIMOUS with STEINMAN excused

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:02 – 6:18)

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAR-4934 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: KENNINGTON DEVELOPMENT, LLC - Request for a Variance to ALLOW A LOT WIDTH OF 99 FEET WHERE 100 FEET IS THE MINIMUM WIDTH REQUIRED FOR A PROPOSED THREE LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 1.79 acres adjacent to the southeast corner of Jones Boulevard and Whispering Sands Drive (APN 125-13-201-001), R-E (Residence Estates) Zone, Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – APPROVED subject to conditions – UNANIMOUS with TRUESDELL not voting and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 36 [VAR-4934] and Item 37 [SUP-4933].

DAVID CLAPSADDLE, Planning and Development Department, explained that each of the three lots would meet the minimum standards of Code in terms of size, as they are all twenty thousand square feet in area. The variance request pertains to the lot widths because the Code requires one hundred feet and these lots are proposed at ninety-nine feet. Staff feels the request is legitimate because of a previous right-of-way dedication that took place and because it is a

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 36 – VAR-4934

MINUTES – Continued:

very minor adjustment. Regarding the use permit, the private street is forty feet wide and staff is comfortable with that as well.

STEVE KENNINGTON, 7080 Donald Nelson Avenue, appeared on behalf of the applicant and agreed to all conditions.

VICE - CHAIRMAN NIGRO declared the Public Hearing closed on Item 36 [VAR-4934] and Item 37 [SUP-4933].

(7:52 – 7:55)

2-780

CONDITIONS:

Planning and Development

1. Approval of a Special Use Permit (SUP-4933) to allow the private street by the Planning Commission and City Council prior to recordation of a subdivision map on this site or the issuance of any permits for this development.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

Public Works

3. Construct half-street improvements including appropriate transitional paving on Jones Boulevard and Whispering Sands Drive adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
4. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 36 – VAR-4934

CONDITIONS – Continued:

Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

5. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A. We note that the entry as designed can not be gated.
6. The approval of all Public Works related improvements shown on this Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Parcel Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Parcel Map or construction drawings, whichever may occur first.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

SUP-4933 - SPECIAL USE PERMIT RELATED TO VAR-4934 - PUBLIC HEARING - APPLICANT/OWNER: KENNINGTON DEVELOPMENT, LLC - Request for a Special Use Permit to ALLOW A PRIVATE STREET FOR A PROPOSED THREE LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT adjacent to the southeast corner of Jones Boulevard and Whispering Sands Drive (APN 125-13-201-001), R-E (Residence Estates) Zone, Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – APPROVED subject to conditions – UNANIMOUS with TRUESDELL not voting and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

See Item 36 [VAR-4934] for related discussion on Item 36 [VAR-4934] and Item 37 [SUP-4933].

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 37 – SUP-4933

CONDITIONS:

Planning and Development

1. Approval of a Variance (VAR-4934) for a reduction of the minimum lot width by the Planning Commission and City Council prior to recordation of a subdivision map on this site or the issuance of any permits for this development.
2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

Public Works

3. Construct half-street improvements including appropriate transitional paving on Jones Boulevard and Whispering Sands Drive adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
4. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
5. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A. We note that the entry as designed can not be gated.
6. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 37 – SUP-4933

CONDITIONS – Continued:

7. The approval of all Public Works related improvements shown on this Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Parcel Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Parcel Map or construction drawings, whichever may occur first.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAR-4986 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA - Request for a Variance TO ALLOW 21 PARKING SPACES WHERE 32 ARE REQUIRED on 0.44 acres at 946 East Sahara Avenue (APN 162-03-801-114), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions – Motion Carried with McSWAIN voting NO and STEINMAN excused

To be heard by the City Council 10/20/2004

MINUTES:

KYLE WALTON, Planning and Development Department, indicated that the applicant has been working with staff to produce a design that limits the number of requested variances. Originally, the building was approximately 5,200 square feet and it is currently about 4,700 square feet. This reduction does not alleviate the primary concern that the building is too large for the lot. Staff recommends denial for this reason. If the building were smaller, it could comply with Code.

DENNIS RUSK, 3060 East Patrick Lane, Suite 203, appeared on behalf of the applicant and confirmed working with staff. He indicated the lots are extremely difficult to design and this area is in need of redevelopment. After looking at all scenarios possible, this was the best

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 38 – VAR-4986

MINUTES – Continued:

design. A previous application for this site, which expired in December of 2003, had approval of a variance on the east wall.

MR. RUSK felt an alley that was shown on the previous application was not a good idea as it would collect trash and provide a hideaway in the neighborhood. He is asking for the same variance on the east property line. He said the rear landscaping is 8'5" at one corner and 6'10" in the other corner making the overall width of the landscaping averages 7'4". This means the applicant needs a variance of approximately 8" in landscaping on the north wall.

The parking on the site is very challenging. The applicant is requesting 24 parking spaces where 27 are required. Some of the anticipated uses would be 1:250 instead of 1:175, which would make the parking compatible with the title. He acknowledged staff's reluctance to accept an empty shell at 1:175 but it is difficult when the lots are so small. The building is only 25 percent of the lot size and the applicant does not feel the site is overbuilt. Landscaping has been provided all around the building. He voiced concerns over foundation landscaping and stated he does not design foundation landscaping next to buildings. With all of the lawsuits regarding mold and mildew and the possibility of the undermining of the foundation by a leaky sprinkler, he opposes putting plants right next to a building. He informed the Commission that any future applications he would be representing would be accompanied by a request to waive the standards on the foundation landscaping.

MR. RUSK also indicated there would be shared parking agreements as required because the common area driveway cuts across the driveway. He then asked for permission to place the thirty-inch tall air conditioning units behind the parapets, which are greater than six feet in height. He concluded that if the building were to be further reduced, it makes the building unmarketable and unbuildable. The building has been reduced as much as possible while keeping building size and land cost in mind.

COMMISSIONER McSWAIN said that she felt that this project would only add to the existing problems in the area. She wanted to clarify that the area has some buildings that have zero lot lines. It seems that the building should be designed to create a density situation and that the area would be inspired to go vertical. MR. RUSK said that on a lot sized less than half an acre; those issues are difficult to contend with. She indicated she was speaking on the area in general, not that specific piece of property.

COMMISSIONER EVANS asked if the project fell within the new expanded redevelopment area. MR. WALTON stated that it could not be determined at this time. The expansion is not far enough along in the process to tell. COMMISSIONER EVANS understood the expansion was to parallel the County's redevelopment area. MR. WALTON stated that one part of the plan is to

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 38 – VAR-4986

MINUTES – Continued:

match up with what they have on the other side of the road but there is still a lot of work to do. COMMISSIONER EVANS voiced concern over the discrepancy regarding the parking requirements. The item was noticed as 21 spaces where 32 are required. The staff report states 24 spaces where 29 were required and MR. RUSK indicated it was 24 spaces where 27 was required. MR. RUSK stated his number was accurate.

COMMISSIONER EVANS stated that the parcel has been broken into four separate retail phases but there is no indication what those retail spaces area. He thought that some retail would need more parking than others and asked MR. RUSK if there are tenants in mind or how the applicant would plan for that situation. MR. RUSK stated that one tenant plans to have a carry out food service business and it would take the two spaces on the end. It was his professional opinion that parking would never become an issue for this size of building at this location.

COMMISSIONER EVANS confirmed with DEPUTY CITY ATTORNEY BRYAN SCOTT and DAVID CLAPSADDLE that a restaurant in this area would not require the issuance of a Special Use Permit unless their sales involved alcoholic beverages. MR. CLAPSADDLE clarified that staff changed the ratio to 1:175, to make it more restrictive and to make sure there was adequate parking. If the applicant were to come in with something outside of a C-1, each tenant is reviewed to verify conformance to Code. If the parking does not conform to Code, they do not get their Certificate of Occupancy. COMMISSIONER EVANS stated a store such as a 99 Cent store packed with people would cause the lot to be parking impaired, if it were a small luggage shop, parking would not be an issue. The Planning Commission is being asked to make a decision based on four separate retail spaces without any knowledge of what may go in there.

MR. RUSK confirmed the comments of MR. CLAPSADDLE. If a use was brought for review on a Tentative Map and the use was deemed inappropriate to the amount of parking available, it would be denied. He pointed out that staff's report suggests the building would be an asset to the area could possibly start a redevelopment in the area. COMMISSIONER EVANS agreed that the design is aesthetically pleasing and added that the area has mixed architectural designs. Regarding the landscape, COMMISSIONER EVANS acknowledged the challenges but he disagreed regarding the foundation landscaping. He asked how MR. RUSK could account for most homes in the valley that have trees and landscape planters abutting all the way up to the homes. MR. RUSK commented that he had mold in his house for that very reason and he was forced to tear everything out. COMMISSIONER EVANS stated that many developers try to come in and overbuild lots at the expense of the landscaping. MR. RUSK replied that 75 percent of the lot is landscaping. COMMISSIONER EVANS asked why trees could not be put off the street since the wide sidewalks already exist.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 38 – VAR-4986

MINUTES – Continued:

COMMISSIONER NIGRO confirmed with MR. RUSK that the area was not wide enough to install foundation landscaping. He also confirmed with staff that MR. RUSK'S summary of the requested variances were accurate. MR. GENZER clarified that the application is for a waiver, not a variance. COMMISSIONER NIGRO agreed with the comments of COMMISSIONER EVANS that foundation landscaping is acceptable especially since most landscaping is run with a drip system for trees and shrubs instead of turf. He was not aware of the mold issue MR. RUSK was so concerned about. He felt the application did deserve some flexibility because of the lot sizes and because the property has been vacant for some time. He wanted to keep the foundation landscaping because the long side of the building will look very stark once inside the project.

CHAIRMAN TRUESDELL commented that this has always been a difficult site. Previous applications have been more difficult than this one. He thought the landscaping in the street frontage on Sahara was nice. He reminded everyone that there is no curb and gutter along 130 feet of the side street going into the front of the building. MR. RUSK indicated the intention was to have a sidewalk running alongside the driveway. CHAIRMAN TRUESDELL stated that if that was the case, it was represented on a different plan than what was in the backup. He asked MR. RUSK how cars would exit if there were a sidewalk. MR. RUSK replied that they would have 24 feet and would exit at the island. CHAIRMAN TRUESDELL voiced concern about how cars would exit from the parking spaces, suggesting the drivers would have to back down the driveway. MR. RUSK pointed out a five-foot space, which is intended for use when drivers turn around. CHAIRMAN TRUESDELL said he had no problem with granting a parking waiver on this site and that he would have granted the landscaping waiver as well even though landscaping is very important to this site. He did have a problem with the location of the handicap space once MR. RUSK described the situation. MR. RUSK informed him that he would move the space.

CHAIRMAN TRUESDELL felt what MR. RUSK was describing and what he was viewing were different. In his opinion, if there was a sidewalk and the turn was as tight as described, he thought the handicap space should be relocated to the other end of the driveway. MR. RUSK said that would not be a problem. Regarding the landscaping, CHAIRMAN TRUESDELL had no issue with the 8" in the back but he was not in agreement regarding the foundation landscaping waiver. MR. GENZER indicated he could not recall any sidewalks on any of the public streets in the area and he believed the parking spaces there backed directly into the easements. If there were a sidewalk, staff would have requested landscaping behind it and that request was not made. COMMISSIONER EVANS concurred as well as DAVID GUERRA, Public Works Department. COMMISSIONER DAVENPORT confirmed with MR. GENZER that the streets are private and therefore, there would be no sidewalks.

(7:55 – 8:23)

2-860

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 38 – VAR-4986

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review SDR-4990.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council. New Construction
3. The applicant shall execute an off-site parking agreement satisfactory to the City Attorney to meet Parking Requirements of Section 19.10.010 (H) of the City Zoning Ordinance as required by the Planning and Development, prior to the issuance of any building permits.
4. The site plan shall be revised, prior to the issuance of any building permits, to depict two handicap parking spaces; one van accessible and one standard handicap space, directly adjacent to the entrance of the building to be in conformance with Section 19.10.010 (G) of the City Zoning Ordinance.

Public Works

5. Conformance to all site-related conditions of approval of Site Development Plan Review SDR-4990.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SDR-4990 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-4986 - PUBLIC HEARING - APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA -
Request for a Site Development Plan Review FOR A RETAIL BUILDING AND WAIVERS OF SETBACK AND LANDSCAPING STANDARDS on 0.44 acres at 946 East Sahara Avenue (APN 162-03-801-114), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions, amending Condition 4 as follows:

4. All development shall be in conformance with the site plan and building elevations, date stamped *September 17, 2004*, except as amended by conditions herein.

and adding the following condition:

- The foundational landscaping be provided.
- MOTION CARRIED with McSWAIN voting NO and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

See Item 38 [VAR-4986] for related discussion on Item 38 [VAR-4986] and Item 39 [SDR-4990].

(7:55 – 8:23)
2-860

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 39 – SDR-4990

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing no more than 15% of the total landscaped area as turf.
3. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
4. All development shall be in conformance with the site plan and building elevations, date stamped September 08, 2004, except as amended by conditions herein.
5. The setbacks for this development shall conform to Code standards except zero feet for the east sideyard (pursuant to V-0026-00).
6. Air conditioning units shall not be mounted on rooftops.
7. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
8. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

9. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
10. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing drainage patterns for this site prior to the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
11. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 39 – SDR-4990

CONDITIONS – Continued:

12. All landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAR-4971 - VARIANCE - PUBLIC HEARING - APPLICANT: TIM NEAL - OWNER: THOMAS W. AND KATHY L. CHYNOWETH 1994 LIVING TRUST - Request for a Variance TO ALLOW A PROPOSED ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE TO BE 5 FEET 6 INCHES FROM THE REAR PROPERTY LINE WHERE 35 FEET IS THE MINIMUM SETBACK REQUIRED at 1711 Brock Court (APN 163-03-612-003), R-E (Residence Estates) Zone, Ward 1 (Moncrief).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at Meeting – Two letters of community support of variance by Timothy Neal

MOTION:

DAVENPORT – APPROVED subject to conditions – UNANIMOUS with STEINMAN excused

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

KYLE WALTON, Planning and Development Department, explained the applicant has not been able to justify the hardship being claimed. Because of this, staff is recommending denial.

TIMOTHY NEAL, 2316 Ozark Way, North Las Vegas, appeared on behalf of the applicant and stated he was the architect who designed the proposed plans, which require the variance. The variance is required because the house is approximately five years old and because of the way it

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 40 – VAR-4971

MINUTES – Continued:

was situated on the property, the west side of the property is considered the rear yard as that area contains the pool and backyard recreation. Technically, the south side is recognized in zoning terms as the rear yard. The applicant is trying to alleviate the issue of what has become a rear entry garage. When the house was built, the garage was on the opposite side of where they drive down the driveway. To enter the existing garage, the applicant must drive to the very back corner. MR. NEAL acknowledged that this situation would be defined as a self-imposed hardship; however, he did not feel the addition they are requesting would be considered overbuilding. There is more than enough room to allow the one story addition comprised mainly of garage space. He submitted copies of letters from other neighbors in the community that state they are aware of the variance request and do not oppose it. He also showed photos of the existing driveway, which helped to clarify the situation. The only neighbors that would be affected are those to the east and one of the letters MR. NEAL submitted is from them.

COMMISSIONER McSWAIN confirmed with staff that the side yard setbacks would have been established as RE which is ten feet. She then verified with MR. NEAL that the proposed distance from the garage to the back wall is 5'6". He added that the building could be done as a detached building and go up to a 5' setback; however, the applicant would like to stick to the plan as it is currently. MR. WALTON indicated the applicant was correct; a detached building could go as close as 5 feet. COMMISSIONER McSWAIN stated she could support the item under the circumstances.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(8:23 – 8:30)

2-1930

CONDITION:

Planning and Development

1. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAR-4976 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: THOMAS AND HELLEN SMITH - Request for a Variance to ALLOW A PROPOSED BALCONY ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE TO BE 5 FEET FROM THE REAR PROPERTY LINE WHERE 15 FEET IS THE MINIMUM SETBACK REQUIRED at 8101 Villa De La Playa Street (APN 125-09-813-041), R-PD4 (Residential Planned Development - 4 Units Per Acre) Zone, Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – APPROVED subject to conditions – UNANIMOUS with STEINMAN excused

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

KYLE WALTON, Planning and Development Department, stated the applicant has not been able to prove hardship and therefore, staff has recommended denial. Staff believes the patio cover could be relocated and then the proper setback could be met.

THOMAS and HELEN SMITH, 8101 Villa De La Playa Street, appeared and explained that they purchased the home two years ago while still residing in California. At that time, they requested the developer install the balcony, which unfortunately, was not constructed. Being out of state, they were unable to monitor the construction and it was too late to remedy the situation once it

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 41 – VAR-4976

MINUTES – Continued:

was discovered. The developer advised the SMITHS that they could request a variance to build the balcony at a later date. She commented that the developer made it sound much easier than it actually is. MS. SMITH indicated their home faces the east and the hottest part of the day affects the back yard and the balcony would help shield some of the heat that comes in the backyard from the sun in the afternoon. They are already using solar screens and would like to add the balcony. The balcony would also allow them to further enjoy their home. She disagreed that it is self-imposed.

WALTER WILLIAMS, 7727 Villa De La Paz Avenue, appeared to speak in favor of the variance. He lives within the same community as the SMITHS and has a neighbor down the street from him who built the same type of balcony. MR. WILLIAMS feels the balcony addition would enhance the property value and that the addition is in line with the standards of the community.

COMMISSIONER McSWAIN confirmed with MR. WILLIAMS that the developer did build balconies on homes that backed up to other homes when the subdivision was being constructed. MRS. SMITH added that relocating the patio to another side of the house would not work because the only place to put the balcony would still be where it is proposed. To the north end of the home is the pool and to the south, there is no way to exit from the living room because it is open ceiling and two stories tall. She also said the packet that they submitted to Planning included a letter from the neighbors behind them who are in support of the proposed project.

COMMISSIONER EVANS had concerns regarding the adjacent property owners, since the applicant has gained approval from them; he is more comfortable with that aspect. He asked staff to confirm there are no fire safety issues. DAVID GUERRA, Public Works Department, informed him that there is a condition stating all necessary Department of Building and Safety permits would have to be issued and in issuing those permits, that department would be sensitive to those issues. COMMISSIONER EVANS stated that with that information, he would support the item.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(8:30 – 8:37)

2-2225

CONDITIONS:

Planning and Development

1. This Variance shall expire in two years unless it is exercised or an extension of time is granted by the City Council.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 41 – VAR-4976

CONDITIONS – Continued:

2. Acquire all necessary permits from the Department of Building and Safety.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

SUP-4953 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: KELLY'S KASINO - OWNER: SIXTH PLAZA, LLC - Request for a Special Use Permit FOR A TAVERN AND WAIVER FROM THE 1,500 FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING TAVERN adjacent to the southeast corner of Craig Road and Jones Boulevard (APN 138-01-312-002), C-1 (Limited Commercial) Zone, Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions – UNANIMOUS with STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department explained the proposed project would occupy approximately 2600 square feet of the existing commercial center. He stated that there was an original condition of approval on that center, which stated no bars were to be permitted on the property. However, on December 17, 1993, the City Council removed that condition as part of a Review of Condition application hearing. Subsequent to that action, an application for a PT's Pub at the same location was pulled from the meeting because it did not

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 42 – SUP-4953

MINUTES – Continued:

meet Code. Since that time, the Code was revised adding a stipulation that if an intervening 100-foot right-of-way separates two uses, an application may be filed to waive the distance requirement. He referenced the location map and pointed out that the other similar uses are across Rancho Drive, Jones Boulevard or Craig Road all of which are 100-foot right-of- ways. MR. CLAPSADDLE indicated that one protest was received prior to the meeting on September 23, 2004.

KELVIN HAYWOOD, Weststar Architects, 701 Bridger Avenue, appeared on behalf of the applicant, concurred with staff's recommendation of approval and requested clarification on Condition 5 and Condition 3. MR. HAYWOOD stated Condition 3 is in conjunction with the application for waiver of the 1500-foot distance separation requirement. Condition 5 states that all design standards and Code requirements will be met to the City's satisfaction and MR. HAYWOOD explained the client will not be making those improvements. The new owners will be enhancing the center and as this is a tenant improvement, MR. HAYWOOD thought the condition should not be imposed upon his client.

BRIAN BACON, Chicago Cactus Club, 4061 North Rancho Drive, indicated he is one of the proprietors of the club and that they oppose granting the 1500-foot waiver. When PT's attempted to relocate there, the application was withdrawn because they did not meet Code. With seven bars situated within a 1.1 square mile radius, another bar is not needed.

LINDA WOJEWODA, 4101 Spring Crest Lane, said that her home is located behind this proposed project. She stated the neighbors were going to sign a petition but decided instead that they will come to Council when the item is heard. The neighborhood came together to speak against the PT's Pub in 2000 and they intend to do so against this application as well. She said that waivers undermine the purpose of laws and granting this waiver will set precedence for other bars to come into the area.

PATRICK KELLY, 7400 Radville Drive, indicated his business has been family owned and operated for 38 years. The business was forced to relocate after the expansion of the US-95 Freeway. NDOT has had trouble placing the tavern and this location is the best one to date. He requested a favorable vote.

COMMISSIONER MCSWAIN confirmed with MR. CLAPSADDLE that Rancho Drive is an intervening 100-foot right-of-way and that is the only reason the application is being heard. Without such an exception, there is no way to grant a waiver to such a separation requirement. In this situation, there are several bars within the minimum distance separation area and some locations have two intervening streets between them. She also confirmed with MR. KELLY and MR. HAYWOOD that food will be served at the tavern.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 42 – SUP-4953

MINUTES – Continued:

COMMISSIONER EVANS stated that the ordinance created allowing the intervening streets to be worthy of waiver requests does make this usage acceptable now but he found the history of the site to be interesting. He noted there are not many people challenging this use when 14 years ago, this type of use was prohibited at this site. He questioned what could have changed in the area. CHAIRMAN TRUESDELL informed him that many things have changed such as the Code and the amount of growth in the area. There is an existing Walmart and a grocery store approved for another corner. There is also a home improvement store scheduled for the future.

CHAIRMAN TRUESDELL stated the distance separation requirement must be looked at on a case-by-case basis. This project does meet the criteria due to the intervening right-of-way and he would support the project.

COMMISSIONER NIGRO wanted to clarify that the comments the applicant made regarding Condition 3 and Condition 5 are not applicable to work outside the applicant's control. MR. CLAPSADDLE and ROBERT GENZER, Director, Planning and Development, explained the conditions are standard language. COMMISSIONER NIGRO informed MR. KELLY that he would not be required to do more than what was within his control as a tenant.

(8:37 – 8:48)

2-2545

CONDITIONS:

Planning and Development

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. Per condition of Approval #7 of original Site Development Plan Review [Z-0140-89(10)], no advertisement signs shall be placed on the rear or rooftops of the building.
3. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (Tavern).
4. An updated parking analysis shall be provided prior to issuance of any permits or business licenses.
5. All City Code requirements and design standards of all City departments must be satisfied.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 42 – SUP-4953

CONDITIONS – Continued:

6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

SUP-4975 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: DOLLAR FINANCE - OWNERS: JIMMY SPIROPOLOUS TRUST AND NICK AND MARK KEZIOS FAMILY TRUST - Request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED TO ALLOW A 19 FOOT MINIMUM DISTANCE SEPARATION FROM RESIDENTIAL PROPERTY WHERE 200 FEET IS REQUIRED, AND 634 FEET FROM A SIMILAR USE WHERE 1,000 FEET IS REQUIRED at 4225 West Sahara Avenue (APN 162-07-501-004), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – APPROVED subject to conditions – UNANIMOUS with STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department explained that the applicant is currently operating his business from 4211 East Sahara Avenue, which is two addresses down from the location of this application. He indicated the proposed project does not meet the financial institution specified minimum distance requirement. MR. CLAPSADDLE informed

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 43 – SUP-4975

MINUTES – Continued:

the commission that currently, the proposed site has a payday, check cashing sign on the roof even though the business is not open.

ED LISICKI, 4211 West Sahara Avenue, Suite B, stated that he wishes to move his business to the proposed location, which is approximately 465 feet down the street. He explained that he did have the signs put on the building prior to his knowing there would be a requirement that he obtain a Special Use Permit. His current location is approximately 19 feet away from the nearest residential area and that distance would not increase or decrease if allowed to occupy the proposed location. The businesses are separated from the nearby residences by a cinder block wall with no driveways connecting the properties. Regarding parking, MR. LISICKI stated there were 21 parking spots for the proposed location and in his estimation, only four or five would be utilized.

JIMMY SPIROPOLOUS, 4225 West Sahara Avenue, explained he owned the property that MR. LISICKI was hoping to occupy. He explained that the negotiations for the property were made in good faith in April and at that time, he was unaware of the new ordinance regarding financial institutions specified that went into affect the end of April. The lease was executed and MR. LISICKI took over the property. MR. SPIROPOLOUS paid for the remodeling that was necessary to allow his tenant's business to operate at the proposed location. He corrected MR. LISICKI that the parking for the center is 28 spaces for three stores. He clarified that there is no shared parking agreement with the adjacent restaurants and one would not be necessary. Currently, there are six or seven cars in the center at any given time so the available parking could easily accommodate MR. LISICKI'S employees and customers. MR. SPIROPOLOUS stated the proposed location is approximately 2,100 square feet and very clean.

COMMISSIONER McSWAIN asked staff if a Special Use Permit would have been required at the applicant's current location. MR. CLAPSADDLE indicated that at the time he was approved for his present location, it was not required. COMMISSIONER McSWAIN confirmed with MR. CLAPSADDLE that should MR. LISICKI be allowed to do business in the proposed location, there would not be an existing Use Permit for someone else to operate under. She confirmed with MR. LISICKI that he is currently operating at 4211 West Sahara Avenue. He indicated he would be closing down the current location as soon as he was granted the Use Permit needed for him to move.

COMMISSIONER McSWAIN asked how staff would verify the move. MR. CLAPSADDLE explained that the Business Licensing database shows an application on file for the applicant in the proposed location. The license application cannot be completed though until the Use Permit is granted. COMMISSIONER McSWAIN stated that although she felt the 4211 West Sahara Avenue location is more appropriate from a distance separation point of view, the applicant has

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 43 – SUP-4975

MINUTES – Continued

done a lot of work and the distance separation is not a safety issue so she would be supportive of the request.

DEPUTY CITY ATTORNEY BRYAN SCOTT wanted to be sure the applicant was aware he is not authorized to move to the new location until the item has been heard before the City Council and approved. CHAIRMAN TRUESDELL confirmed with MR. LISICKI that he understood.

(8:48 – 8:58)

2-3132

CONDITIONS:

Planning and Development

1. Conformance to all minimum requirements under Title 19.04.050 for the Financial Institution, Specified and Auto Title Loan uses.
2. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
3. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SUP-4983 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: SKINNY'S HOUSE - OWNER: JANINE AYERS - Request for a Special Use Permit FOR A TRANSITIONAL LIVING GROUP HOME at 4350 Mountain View Boulevard (APN 162-06-610-014), R-E (Residence Estates) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

DAVENPORT – ACCEPTANCE of the WITHDRAWAL WITH PREDJUDICE requiring the use cease by 9/30/2004 – Motion carried with GOYNES voting NO and STEINMAN excused

NOTE: Initial motion by DAVENPORT to accept the withdrawal with prejudice requiring the use cease within one week failed with GOYNES, NIGRO and EVANS voting NO and STEINMAN excused. Subsequent motion by GOYNES to accept withdrawal with prejudice requiring the use cease by close of business 9/24/2004 failed with DAVENPORT, McSWAIN, TRUESDELL, NIGRO and EVANS voting NO and STEINMAN excused.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

KYLE WALTON, Planning and Development Department, began to explain the many concerns staff has regarding this application. ROBERT GENZER, Director, Planning and Development Department, said that he understood the applicant was prepared to make a request. CHAIRMAN

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 44 – SUP-4983

MINUTES – Continued

TRUESDELL approved hearing from the applicant and then a determination would be made of how to hear the item.

ATTORNEY JENNIFER LAZOVICH, 3800 Howard Hughes Parkway, appeared with the applicant, JANINE AYERS. ATTORNEY LAZOVICH informed the Commission that the applicant was requesting the item be withdrawn without prejudice. CHAIRMAN TRUESDELL pointed out that the business is currently operating at this location and he questioned whether acceptance of the withdrawal without prejudice would cause the use to cease immediately.

DEPUTY CITY ATTORNEY BRYAN SCOTT explained that, according to Code Enforcement, the use is not being utilized legally at this time. MR. WALTON interjected that the citations issued by Code Enforcement and Business Licensing were one of the concerns his department had regarding this application. CHAIRMAN TRUESDELL asked that the applicant or ATTORNEY LAZOVICH put on record, acknowledgment that the use must cease. MS. LAZOVICH explained that the applicant was aware the use must cease and was requesting 30 days to relocate the tenants.

CHAIRMAN TRUESDELL expressed his willingness to support the withdrawal. He questioned the applicant as to the minimum timeframe necessary to insure relocation of her clients. MS. AYERS indicated her main concern was for the residents and finding another place for them to live. She did not feel 30 days was too much time to request. CHAIRMAN TRUESDELL acknowledged her concerns and the concerns of the neighbors over the citations and stated he was not comfortable with 30 days.

COMMISSIONER McSWAIN asked what the dates of the citations were and what caused them to be issued. COMMISSIONER NIGRO asked if any criminal citations had been made at this location. MS. AYERS explained that Code Enforcement had cited her for a Building Department violation. MR. WALTON confirmed citations were issued on August 25th for construction without permits and also, for conducting business without a license. He added that Planning Staff and Business Licensing made an additional inspection on September 8th and the same situation was found. COMMISSIONER McSWAIN confirmed with MR. WALTON that staff had not checked with METRO for police activity and therefore, could not be sure about the status of criminal activity at the site. MS. AYERS was not aware of any issues involving the police department.

COMMISSIONER NIGRO stated that he could be supportive of the 30 days because if the applicant had chosen to move forward with the item, in 30 days the application would be before Council and if denied, maybe Council would allow 30 days after denial to relocate.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 44 – SUP-4983

MINUTES – Continued

He also felt some consideration should be given to the applicant for coming forward to withdraw the application because of the opposition. CHAIRMAN TRUESDELL acknowledged COMMISSIONER NIGRO'S comments; however, he would not be supportive of granting a time frame for relocation that would impose a burden on the neighbors. He felt a reasonable period of time could be determined and granted to allow the orderly relocation of the residents. MS. AYERS indicated she would attempt to move everyone before the end of the 30-day timeframe, if it was granted.

COMMISSIONER EVANS reminded everyone that according to the information in his back up, this was not a home for criminals, a rehab center or substance abuse center. The people who live at this location are trying to better themselves. Forcing the residents to move without adequate time could result in a homeless problem in the neighborhood. He did not feel 30 days was unreasonable to allow the residents time to find a new home. He agreed with COMMISSIONER NIGRO'S statement that had the applicant not offered to withdraw the item, the item would be in front of the City Council in 30 days, not closed.

COMMISSIONER McSWAIN confirmed with MR. GENZER that if this item were forwarded to Council, it would be heard on 10/20/2004. If the Planning Commission denies the item, although it is final action, the applicant would have 10 days from the date of denial to appeal and have the item heard before Council on 10/20/2004. She questioned whether or not the business would be allowed to remain open during the interim if the Planning Commission moved the item on to that Council date. DEPUTY CITY ATTORNEY SCOTT informed her that the use is not legally permitted and because of that, the applicant would have no right to operate the business in between Planning Commission and City Council hearing the item. COMMISSIONER McSWAIN suggested that two weeks should be adequate time for relocation considering the fact that the applicant was cited so long ago and the residents should have been made aware of potential problems.

DEPUTY CITY ATTORNEY SCOTT clarified for COMMISSIONER McSWAIN the difference between withdrawing an item with or without prejudice. A withdrawal with prejudice would preclude the applicant from reapplying with the City for one year. A withdrawal without prejudice would allow the applicant to bring the item back at any time. COMMISSIONER McSWAIN suggested that perhaps the 30 days could be given if the applicant would amend the request to withdrawing the item as with prejudice instead of without. MS. AYERS and ATTORNEY LAZOVICH said that would be agreeable.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 44 – SUP-4983

MINUTES – Continued

COMMISSIONER GOYNES felt that because the applicant did not respect the process when this issue began, 30 days might not be appropriate. COMMISSIONER DAVENPORT stated that he would be hard pressed to support 30 days for relocation and that in his opinion, the applicant had been given 30 day notice when cited in August. He asked what assurances the applicant could give that the use would cease and everyone would be relocated. He agreed with COMMISSIONER McSWAIN that two weeks should be enough time for relocation efforts. However, he would only support the two weeks if the request were changed to withdrawal of the item with prejudice. COMMISSIONER McSWAIN clarified that her suggestion had been to allow 30 days if the request were amended. COMMISSIONER DAVENPORT acknowledged her suggestion and stated that he could only support two weeks, not 30 days.

ATTORNEY LAZOVICH explained that she had discussed a feasible timeframe with MS. AYERS before the item was heard and their main concern was to come forward a request a timeframe that was not reasonable. They did not want to request two weeks in case the relocation took a few days over that and did not think an entire month would be necessary. MS. AYERS felt if she requested 30 days and had everyone relocated within 21 days, the neighborhood would feel they were misled. She stated the applicant agreement with COMMISSIONER McSWAIN'S suggestion that 30 days be given in exchange for amendment of the request to being with prejudice.

CHAIRMAN TRUESDELL did not want to give such a short timeframe that other issues are caused within the City because the timeframe could not be met. He said it was his desire to have the use cease and he suggested the Commission consider allowing the applicant until October 15th to relocate residents and cease use. He acknowledged the burden the neighborhood is under as long as this use is in existence within their neighborhood; however, he feared giving too short of a timeframe would result in creating other hurdles for the City to cease this usage. He looked for a workable, sustainable solution that would protect the neighbors.

CHARLES MUSSER, 4310 Mountain View Boulevard, felt the applicant and her husband have behaved in an arrogant manner. He stated that the applicant knew the building was not up to Code and knew the remodeling should not have been done without a permit but the work was done anyway. He indicated the existence of this business in the neighborhood is causing traffic safety issues and cited examples. MR. MUSSER informed the Commission that one night earlier, he had counted 14 cars at the residence in question. He pointed out that MS. AYERS is a licensed realtor in Las Vegas and is aware of building and zoning regulations. MR. MUSSER felt allowing 30 days would be doing MS. AYERS a favor she did not deserve and felt it should be shut down immediately. He feared if that some serious issue could result from traffic related to this site and then there would really be problems.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 44 – SUP-4983

MINUTES – Continued

EDWARD McDONALD, 4136 Del Monte Avenue, stated he lives about five houses down from the subject site. He explained there has been an increase in crime in the last 30 days including having two windows on his Jaguar shot out and the radio stolen from another car he owned. His neighbor had their car broken into and their radio and tools were stolen. A car was stolen from the home across the street from the applicant. The steering mechanism was taken from a vehicle at the end of the block and damage was so severe, the car was considered totaled. An armed robbery with the theft of a Cadillac has occurred in the neighborhood as well. To his knowledge, the neighborhood has had more crimes take place in the 30 days than what has occurred in the last 30 years that he has lived there. He wanted the business shut down immediately. He added that while they are being relocated, he would like to see armed guards patrolling the premises.

PAT MULHALL, 4221 Mountain View Boulevard, wanted to clarify the citation dates that were mentioned. The City Council office provided him with information that Code Enforcement issued a citation on July 1st. The hearing date was set at September 9th; however, the hearing did not occur because the paperwork was misplaced. MR. MULHALL felt the Commission had not been provided complete information and that the citation issue date of July 1st left the applicant plenty of time to make other arrangements. He did not want the Commission to allow 30 days for relocation. The neighborhood has been turned upside down.

THOMAS TAYCHER, 4321 Mountain View Boulevard, explained he moved into the home directly across the street from the applicant's business on August 8th. If he had been made aware of the situation surrounding the home, he would have thought twice before purchasing there. He said that there is a brochure for the applicant's business and it indicated the rentals are on a weekly basis. He felt the residents of the establishment should be able to move within one week or two at the very most. He confirmed that the Commission was provided with a copy of the brochure in their backup. As a veteran of 23 years of law enforcement, he fears the safety of his family with individuals living across the street on a weekly basis. He is concerned that someone staying temporarily in that home may recognize him from work and then know where he lived.

JOHN KRANTZ, 4404 Del Monte Avenue, stated his parents have lived at this location for forty years without incident. A 6-foot high wall separates the back yards and he has caught 2 people in his backyard since MS. AYERS opened for business. His family owns six homes on the same street and they have had 3 bicycles stolen. He has had tools stolen and he knows of 2 kids who have been hit by cars. He could not say all of the recent crime activity was attributed to the subject property; however, he agreed with MR. McDONALD that more crime has occurred in the last 30 days than in the last 30 years. He wanted the business shut down immediately.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 44 – SUP-4983

MINUTES – Continued

CHAIRMAN TRUESDELL reminded everyone that the use of the property is going to stop. Many of the comments pertained to issues that should be taken up with the police department. He asked that the comments be contained to those pertaining to the actual time frame the use will be given to cease or the denial of the request to withdraw with prejudice.

YOLANDA CONTRERAS, 4361 Mountain View Boulevard, said she feared for the safety of her two children. She lives across the street from MS. AYERS' property and she does not let her children play out in front of her home or ride their bikes. She indicated that her car was stolen in August and she had the insurance report to prove it if necessary. MS. CONTRERAS said that her mother used to visit often but is now too afraid because of all the activity of the home across the street. She wanted the business shut down immediately.

FRED BETHEL, 4408 Del Monte Avenue, stated he wanted to make sure the Commission was aware of language in the brochure for the applicant's business. The language stated that any violations of rules for the home are cause for immediate dismissal. To MR. BETHEL, if the applicant is comfortable with evicting the residents immediately for rule breaking, they do not need two weeks or a month to relocate them.

CHAIRMAN TRUESDELL informed MS. AYERS that if her brochure said the rentals are on a weekly basis, she should have the ability to forewarn the residents on a weekly basis. MS. AYERS replied that the use of drugs or alcohol is cause for dismissal because such activity is not conducive to the environment of the home. He felt a realistic timeframe needed to be established for relocation so people would not be put out onto the streets homeless the next day. MR. GENZER stated a specific timeframe needed to be established because Code Enforcement would have to go out and inspect at the end of the timeframe to insure everyone has left.

COMMISSIONER McSWAIN stated that although she had originally felt a 30 day timeframe was acceptable, the comments regarding the weekly rental agreements for the tenants changed her mind. She felt a week was adequate. COMMISSIONER GOYNES felt the applicant should have until close of business 9/24/2004 to relocate. ATTORNEY LAZOVICH did not want an unrealistic timeframe to be established which would lead to greater issues. She indicated the applicant would agree to one week. COMMISSIONER NIGRO indicated that he had voted no on the original motion allowing one week because he was willing to support a motion allowing two weeks. Since the applicant had agreed to one week, he would be willing to support such a motion. COMMISSIONER EVANS concurred.

(8:58 – 9:31)

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SUP-4994 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MILFORD MAYNARD - OWNER: HUGH N. CANADY - Request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED AND A WAIVER TO ALLOW 1,025 SQUARE FEET OF FLOOR AREA WHERE 1,500 SQUARE FEET IS REQUIRED at 1591 North Decatur Boulevard (APN 138-25-503-005), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

FORWARDED TO CITY COUNCIL 10/20/2004 WITH NO RECOMMENDATION

NOTE: Subsequent motion by DAVENPORT for approval failed with GOYNES, NIGRO and EVANS voting NO and STEINMAN excused.

NOTE: Initial motion by GOYNES for denial failed with DAVENPORT, McSWAIN AND NIGRO voting NO and STEINMAN excused.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 45 – SUP-4994

MINUTES – Continued

KYLE WALTON, Planning and Development Department, explained that staff recommended denial on this application because criteria has been established for approving such a use and also, this is located within a redevelopment area and the use does not support the objectives of the redevelopment plan.

HUGH CANADY, 1591 North Decatur Boulevard, stated that his application does not have any issues with meeting the 1,500 square foot requirement, the cashiers' area is 1,025 square feet and the other 500 feet is found within the square footage of the store. He indicated the only service he is looking to offer is check cashing. No payday loans or auto loans will be requested. The applicant acknowledged that his company had been cashing checks for about 8 months until the ordinance was passed in April and the practice was discontinued at that time. MR. CANADY has been in business at this location for seven years and was not aware the area was a redevelopment area and noted there is a 10-acre parcel nearby that needs development.

DEPUTY CITY ATTORNEY BRYAN SCOTT confirmed with MR. CANADY that he was not originally licensed to cash checks at that location. The applicant stated he was only offering to do so as a courtesy to his customers.

COMMISSIONER McSWAIN asked if the new ordinance requires grocery stores to have a license to be allowed to cash checks for clients purchasing groceries. MR. WALTON said that those stores fall under the same criteria as stand alone businesses. They would also be required to have a waiting area and queuing areas for the patrons and enough room for the staff to be able to do their counter work. MARGO WHEELER, Deputy Director, Planning and Development Department clarified that the business licenses are also determined by the charges the store makes for check cashing. A Special Use Permit (SUP) is not required if the store does not charge a fee for the service. A separate business that operates from a store and that charges a fee would have to meet different City and State licensing requirements.

COMMISSIONER McSWAIN confirmed with MR. CANADY that he charges a fee of 2 percent to cash checks and that he does not do any other loans of any kind. MR. CANADY added that he has no intention of ever doing any type of loan services. He indicated the store does not have time to offer the additional services and he offers check cashing primarily because his clients cannot get to banks during normal hours. The majority of his clients are Hispanic and work six days a week and since his store is open 24 hours a day, he wanted to offer that service.

COMMISSIONER McSWAIN inquired about the application meeting the minimum square footage requirement. MR. WALTON replied that the combined use of the store and the check cashing does not eliminate the requirement of staff to calculate the square footage allotted

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 45 – SUP-4994

MINUTES – Continued

specifically for the use of check cashing. The minimum square footage required to allow the check cashing service is 1,000 square feet despite it being an ancillary use to other types of uses. MS. WHEELER explained that when the ordinance was being considered, it was decided that waiting and lobby areas would be required regardless of whether it was within another use or not. An exemption from that requirement can be obtained by applying for a waiver, which is what the applicant is doing with this application.

COMMISSIONER DAVENPORT verified that MR. CANADY has a State license for the store. MR. CANADY added that he is not able to get a 604 State license for check cashing until the SUP is approved. COMMISSIONER DAVENPORT pointed out to MR. CANADY that if he obtained a 604 license, he would be able to make payday loans. MR. CANADY reiterated that he was not requesting approval for or interested in payday loans. COMMISSIONER DAVENPORT questioned how the Commission could restrict that. The applicant suggested his application be conditioned with such a restriction. DEPUTY CITY ATTORNEY SCOTT said it would be acceptable to limit the Special Use Permit to check cashing only if the Commission desired to do so. COMMISSIONER DAVENPORT stated he would be supportive of the application with that restriction.

CHAIRMAN TRUESDELL commented that the Commission voted on the Financial Institution Specified ordinance and that the votes must give some consistency to that ordinance. Without consistency, the ordinance could allow every drug store to make payday loans and pawn operations. The ordinances are in place to regulate businesses and waiving the requirements before the ordinance has had a chance to work will result in multiple businesses on the same street offering check-cashing services. He acknowledged MR. CANADY having a large portion of his patrons being Hispanic and possibly unable to get to a bank during normal hours; however, several applications have been heard with the same justification and they were denied because of saturation. MR. CANADY indicated there is not any other check cashing service nearby.

COMMISSIONER GOYNES questioned the banners and signs that were shown in the photo of the subject site and suggested they were not in conformance. The applicant stated there are no signs in front of the building. He suggested the applicant look into the requirements that would have to be met to allow such signage. COMMISSIONER GOYNES stated he would not support the application and agreed with CHAIRMAN TRUESDELL that it would set a precedent. He did not feel that the store, which sells fast food and convenience, had the type of patronage that needed to have a dedicated area for check cashing regardless of their nationality. Banking business should be handled at a credible banking institution.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 45 – SUP-4994

MINUTES – Continued

COMMISSIONER McSWAIN respectfully acknowledged the comments of CHAIRMAN TRUESDELL and COMMISSIONER GOYNES; however, she stated that allowing the applicant a restricted use permit to cash checks for his clients, a radius would be created prohibiting another business entering the neighborhood that could offer services such as payday loans and auto loans which are the type of services that make communities unhappy. Because of that, she would not support denial.

(9:44 – 9:57)

3-1126

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SUP-4996 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: EN ENGINEERING – OWNER: MARY BARTSAS 13, LLC - Request for a Special Use Permit FOR A HOME IMPROVEMENT WAREHOUSE STORE adjacent to the northwest corner of Craig Road and Jones Boulevard (a portion of APN 138-02-601-004), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 46 [SUP-4996] and Item 47 [SDR-4995].

KYLE WALTON, Planning and Development Department, stated the intersection where this project will be located is shown on the Centennial Hills Sector Plan as a village center. The project is in conformance with the policies of the Sector Plan. The use is compatible with surrounding uses. Staff recently received new elevations and he noted the Commission should reference the colored pages because they are the corrected elevations.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 46 – SUP-4996

MINUTES – Continued:

KRIS MUNN, EN Engineering, 245 East Warm Springs Road, appeared on behalf of the applicant and accepted all conditions. He asked for clarification on Condition 19 of Item 47 [SDR-4995]. He questioned how the application would be affected if a joint access agreement could not be agreed upon with the joint property owner. He voiced concerns that the permit process may be delayed if the adjacent property owner decided not to participate in the joint access agreement.

DAVID GUERRA, Department of Public Works, explained the condition was added because the plans did show access to the adjacent property. If the access was not shown on the plans, the condition would not have been required. Removal of the access would remove the requirement.

JACK MANDELL, Carlsbad, California, appeared representing Lowes Home Improvement and asked that the condition be reworded if the written agreement was not executed. He said if that were to happen, they would close off that portion of the property. MR. GUERRA offered amended verbiage language for Condition 19 on Item 47 [SDR-4995]. CHAIRMAN TRUESDELL asked why the applicant brought a plan in showing the access but now, is asking the Commission to amend the condition. MR. MANDELL replied that his company has spoken with the operators of the shopping center to the west and they voiced interest in the joint access. He just wanted to know what the result would be in case they could not agree upon language for the written agreement. The applicant wanted to confirm that if the agreement was not signed, the property could be closed off and the condition would be null.

BRUCE BARTON, Territories, 7448 West Sahara Avenue, indicated his company is acquiring the pads with Lowes and will be developing the pad buildings. He wanted to point out for the record the fact that the CCNR's that were just delivered on 9/23/2004, have a restriction on the height of the pad buildings of 22 feet with elements extending to 25 feet. The elevations that are in the backup show architectural features of up to 34 feet and his company will work with staff to maintain the character of the buildings while bringing the height into compliance.

DAVID CLAPSADDLE, Planning and Development Department, clarified that the elevations, as shown in the backup, do meet City Code; however, the CCNR's for the development limit the height. The matter is private but staff would be happy to look at the situation with the applicant.

MARGO WHEELER, Deputy Director, Planning and Development Department, indicated an amendment to Condition 4 was required on Item 47 [SUP-4996]. She said the date stamp date should be changed to 9/23/2004.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 46 – SUP-4996

MINUTES – Continued:

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 46 [SUP-4996] and Item 47 [SDR-4995].

All discussion for Item 46 [SUP-4996] and Item 47 [SDR-4995] was held under Item 46 [SUP-4996].

(9:57 – 10:05)

3-1634

CONDITIONS:

Planning and Development

1. Conformance to all Conditions of Approval of General Plan Amendment GPA-0035-02, Rezoning Z-081-02, and Site Development Plan Review SDR-4995.
2. Outside sales are prohibited.
3. Loading areas and outside storage areas shall be screened from view of adjacent properties and public streets by a screening device at least eight feet in height.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SDR-4995 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4996 - PUBLIC HEARING - APPLICANT: EN ENGINEERING – OWNER: MARY BARTSAS 13, LLC - Request for a Site Development Plan Review FOR A 204,193 SQUARE FOOT COMMERCIAL DEVELOPMENT AND A WAIVER OF THE BUILD TO LINE STANDARDS on 16.5 acres adjacent to the northwest corner of Craig Road and Jones Boulevard (a portion of APN 138-02-601-004), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVAL subject to conditions and amending Condition 4 and Condition 19 as follows:

4. All development shall be in conformance with the site plan and building elevations, date stamped *September 23, 2004*, except as amended by conditions herein.
19. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the west prior to the issuance of any permits *or eliminate access to the parcel to the west.*

– UNANIMOUS with STEINMAN excused

To be heard by the City Council on 10/06/2004

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 47 – SDR-4995

MINUTES:

NOTE: See Item 46 [SUP-4996] for all related discussion on Item 46 [SUP-4996] and Item 47 [SDR-4995].

(9:57 – 10:05)

3-1634

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. Compliance with all Conditions of Approval of General Plan Amendment GPA-0035-02, Rezoning Z-081-02, and Special Use Permit SUP-4996.
3. All City Code requirements and design standards of all City departments must be satisfied.
4. All development shall be in conformance with the site plan and building elevations, date stamped August 9, 2004, except as amended by conditions herein.
5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.
6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.] [non-residential development]
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 47 – SDR-4995

CONDITIONS – Continued:

9. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf.
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets except single-family residential development. Air conditioning units shall not be mounted on rooftops residential development.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize ‘shoe-box’ fixtures and downward-directed lights. Wallpack lighting shall utilize ‘shoe-box’ fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. A Master Sign Plan shall be submitted for approval of the Planning Commission or City Council prior to the issuance of a Certificate of Occupancy for any building on the site.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
14. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

Public Works

15. Coordinate with the City Surveyor to determine whether a Parcel Map or other map is necessary; if such a map is required, it should record prior to the issuance of any permits for this site and shall indicate joint access between all parcels created by the map.
16. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of any maps for this site or the issuance of any permits. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.
17. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 47 – SDR-4995

CONDITIONS – Continued:

18. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.
19. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the west prior to the issuance of any permits.
20. Unless otherwise allowed by the City Engineer, the sanitary sewer connection shall be made from the existing main within Craig Road at an alignment and depth acceptable to the Collection System Planning Section of the Department of Public Works and this site shall also provide a public sewer stub for the remaining parcel portion to the north at an alignment and depth acceptable to the Collection System Planning Section of the Department of Public Works. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits.
21. Landscape and maintain all unimproved rights-of-way on Jones Boulevard and Craig Road adjacent to this site concurrent with development.
22. Submit an Encroachment Agreement for all landscaping and private improvements located in the Jones Boulevard public right-of-way adjacent to this site prior to occupancy of this site.
23. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and improvements within the Craig Road public right-of-way adjacent to this site prior to the issuance of any permits.
24. Site development to comply with all applicable conditions of approval for Z-81-02 and all other applicable site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

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DISCUSSION

SUBJECT:

RQR-4959 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING – OWNER: FOSTER DAY CORPORATION - Required Two Year Review of an approved Special Use Permit (U-0036-95) WHICH ALLOWED A 40 FOOT HIGH, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2401 North Decatur Boulevard (APN 138-13-801-083), C-1 (Limited Commercial) Zone, Ward 5 (Weekly).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – DENIED – UNANIMOUS with STEINMAN excused

This is Final Action.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

KYLE WALTON, Planning and Development Department, stated the billboard is inappropriate because it is only 80 feet from a residential area and the minimum distance requirement is 300 feet. The sign is also too tall according to the airport standards of the City's Title 19. 35 feet is the maximum allowable height and the subject billboard is 40 feet high.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 48 – RQR-4959

MINUTES – Continued:

SCOTT NAFTZGER, Lamar Advertising, 1863 Helm Drive, explained that the sign has been in the same location for approximately 10 years. It is maintained in accordance with the approval conditions and there has been no incident regarding the sign.

CHAIRMAN TRUESDELL asked if the sign is now considered inappropriate because of the changing runway patterns at the North Las Vegas airport. MR. WALTON indicated there is a height envelope that extends 5000 feet in all directions around the airport and this billboard falls within that envelope. CHAIRMAN TRUESDELL confirmed with MR. WALTON that the envelope is an FAA standard that was put incorporated into Title 19 several years ago.

COMMISSIONER McSWAIN said that she did not support this application when it was previously heard and would not do so now. She feels the sign is inappropriate with the adjacency to residential and the added issue regarding the height envelope makes it more inappropriate.

(10:05 – 10:07)
3-1939

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

SDR-4978 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: LAS TUNIS, LLC - OWNER: CLARK COUNTY DEVELOPMENT CORPORATION - Request for a Site Development Plan Review FOR A 5,660 SQUARE FOOT MEDICAL OFFICE BUILDING AND WAIVERS OF TRASH ENCLOSURE SEPARATION, FRONT YARD SETBACK, AND WIDTH OF PERIMETER LANDSCAPING on 0.45 acres on James Bilbray Drive, approximately 120 feet south of Smoke Ranch Road (APN 138-23-110-032), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to P-R (Professional Office and Parking), Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 14 [MSP-5152] and Item 22 [SUP-4830] to 10/07/2004 Planning Commission meeting, Item 34 [ZON-4991], Item 35 [SDR-4985] and Item 49 [SDR-4978] to 10/21/2004 Planning Commission meeting – UNANIMOUS with STEINMAN excused

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:02 – 6:18)

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SDR-4992 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: DR HORTON - Request for a Site Development Plan Review FOR A PROPOSED 94 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 15.17 acres adjacent to the southeast corner of Deer Springs Way and Campbell Road (APN 125-20-301-006, 007 and 015), U (Undeveloped) Zone [TC (Town Center) General Plan designation] under Resolution of Intent to T-C (Town Center) and T-C (Town Center) Zone, Ward 6 (Mack).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

GOYNES – APPROVED subject to conditions and amending Condition 6 as follows:

6. The setbacks for this development shall be a minimum of 10 feet to the front of the house, 4 feet on the side, 5 feet on the corner side, and 15 feet in the rear, and 20 feet to the garage door from the common private drive.

and the added condition:

- *The walls along the side yards shall follow the “Z” configuration of the lot lines.*
 - UNANIMOUS – with TRUESDELL abstaining because he is involved in marketing property that is located within the notification area, McSWAIN abstaining because her company has done work with DR Horton and STEINMAN excused

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 50 – SDR-4992

MINUTES – Continued:

DAVID CLAPSADDLE, Planning and Development Department, explained that the project has a density of 6.38 units for the acre and is compatible for the area. All Town Center standards have been met and no waivers are requested.

SCOTT RUDY, WRG Design, 3011 West Horizon Ridge Parkway, appeared on behalf of the applicant and requested a clarification on Condition 6 because there was a dimension left off of one of the submitted plans. The request is to amend the front setback from 11.69 feet to a minimum of 10 feet on two areas he pointed out. Also, in two areas the side setback is four feet from the property line and the condition states five feet is required.

MR. CLAPSADDLE stated that staff would be fine with amending the front setback because leaving it at 11.69 is very stringent. He asked MR. RUDY to elaborate on the request pertaining to the side setback. MR. RUDY explained that the products are Z lots and at the rear of the buildings, the side setback is five feet. When the pattern protrudes out to form the Z, the side setback is reduced to between four feet and 4.67 feet depending on the model. MR. CLAPSADDLE confirmed with MR. RUDY that there is a distance of 10 feet between the buildings; however, four feet on the side.

MR. CLAPSADDLE reiterated that the project meets all Town Center standards and staff did recommend approval but he wanted to point out that Z lot configurations could have potential problems in the future. There have been cases where pools and building additions get built on other peoples lot because the lot lines are harder to locate on a Z lot. This causes a problem for the inspectors as well. There is not an overall problem with the project; however, MR. CLAPSADDLE wanted to insure the applicant would take care to mitigate those types of problems. He deferred to ROBERT GENZER, Director, Planning and Development Department for assistance in constructing a condition addressing the issue.

MR. GENZER asked if the applicant intended to build block walls that coincide with the Z lot lines so that the wall is on the property line. Doing so would alleviate the potential problems MR. CLAPSADDLE raised. VICE CHAIRMAN NIGRO recollected that conditions of that nature have been imposed on DR Horton projects in the past because of cross access issues. MR. GENZER stated it appears to be drawn on the plan but he was looking for confirmation. MR. RUDY said he believed there was some type of block wall or fencing between the homes. He stated that in his opinion, he could agree to placing block walls on the property lines between the

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 50 – SDR-4992

MINUTES – Continued:

homes; however, if his client was not amenable to that, he would be asking for a waiver when the item is heard at City Council. MR. GENZER suggested that MR. RUDY should get the answer to that question and if the answer is no, the applicant needs to contact staff prior to going to the meeting because the application will not be supported otherwise.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.

(10:16 – 10:19)
3-2411

CONDITIONS:

Planning and Development

1. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
2. The maximum height of any combination of perimeter retaining and screen walls shall not exceed eight feet, from grade as measured on the exterior side of the walls.
3. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
4. All development shall be in conformance with the site plan and building elevations, date stamped August 10, 2004, except as amended by conditions herein.
5. The standards for this development shall include the following: minimum lot size of 3,715 square feet, minimum distance between buildings of 5 feet, and building height shall not exceed two stories or 35 feet, whichever is less.
6. The setbacks for this development shall be a minimum of 11.69 feet to the front of the house, 5 feet on the side, 5 feet on the corner side, and 15 feet in the rear, and 20 feet to the garage door from the common private drive.
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit. The developer shall be required to install the landscape requirements for the median in Elkhorn Road where adjacent to the subject site and assign the maintenance of such to the homeowner's association.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 50 – SDR-4992

CONDITIONS – Continued:

8. Air conditioning units shall not be mounted on rooftops.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
11. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

12. Obtain a signed, notarized letter from the owner of Assessor Parcel Number 125-20-301-014 acknowledging that the proposed knuckle for the Campbell Road/Bath Drive intersection is acceptable. If acceptance is not obtained then the Campbell Road/Bath Drive intersection shall be designed to a configuration acceptable to the City Engineer.
13. Coordinate with the Collection Systems Planning Section of the Department of Public Works to extend public sanitary sewer from Durango Drive to the southwest edge of this site. Obtain a 20-foot wide offsite sanitary sewer easement across the two adjacent parcels to the east or coordinate with Clark County to obtain permissions to place the sanitary sewer within the western beltway right-of-way. Provide written proof from Clark County that the beltway location is acceptable to Clark County and provide a plan that shows a minimum clearance, acceptable to the City Engineer, between the drainage channel along the beltway and the property or additional easement limits prior to approval of a Final Map. The sewer line shall be at a location and depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits
14. A Master Streetlight Plan of public street lights for the overall subdivision shall be approved prior to the submittal of any construction drawings for this site.
15. The design and layout of all onsite circulation and access drives shall meet the approval of the Department of Fire Services.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 50 – SDR-4992

CONDITIONS – Continued:

16. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
17. Landscape and maintain all unimproved rights-of-way adjacent to this site.
18. Submit an Encroachment Agreement for all landscaping and private improvements located in the public rights-of-way adjacent to this site prior to occupancy of this site.
19. Site development to comply with all applicable conditions of approval for Z-69-02, ZON-2970, and all other subsequent site-related actions.
20. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
21. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

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DISCUSSION

SUBJECT:

SDR-4999 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: DLV REAL ESTATE – OWNER: DLV REAL ESTATE, ET AL - Request for a Site Development Plan Review for A PROPOSED 153,100 SQUARE FOOT MIXED DEVELOPMENT on 1.38 acres adjacent to the north side of Coolidge Avenue, between Casino Center Boulevard and 3rd Street (APN 139-34-410-056, 057, 058 and 059 and 139-34-410-083, 084, 085 and 086), R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) and C-2 (General Commercial), Ward 1 (Moncrief).

C.C.: 10/20/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to conditions – UNANIMOUS with STEINMAN excused

NOTE: COMMISSIONER DAVENPORT disclosed that MR. MUTCHKIN has represented him in litigation previously; however, MR. MUTCHKIN is not currently representing him nor is he owed money by COMMISSIONER DAVENPORT therefore, he would vote on the item.

NOTE: CHAIRMAN TRUESDELL disclosed that property he owns in the downtown area is south of this location and outside of the notification area. He stated his property is not affected by this application and he would vote on the item.

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 51 – SDR-4999

MINUTES – Continued:

MARGO WHEELER, Deputy Director, Planning and Development Department, stated that this item is a five story, 86-unit project with 22,000 square feet of retail and office. 195 parking spaces will be provided and staff has no issue with the elevations. Staff requests that if the Commission votes in favor of the item, that it be designated as Final Action.

MIKE MUTCHKIN, 930 South 3rd Street, appeared on behalf of the applicant and accepted all staff conditions and recommendation. COMMISSIONER McSWAIN commended the applicant on the beautiful design of the project. MR. MUTCHKIN indicated the praise should go to HOWARD PEARLMAN and his associates for the phenomenal job they have done.

(10:16 – 10:19)
3-2411

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations, date stamped 08/11/04, except as amended by conditions herein.
3. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
4. The Waiver from the Downtown Centennial Plan requirement for an 11-foot wide sidewalk and five-foot deep amenity zone on Casino Center Boulevard is hereby approved. A public sidewalk with a minimum width of 11 feet and a five-foot deep amenity zone directly adjacent to the curb is required along all remaining street frontages in accordance with Graphic 7 and Graphic 8 of the Downtown Centennial Plan. The sidewalk shall include a decorative paving treatment at the intersections. All streetscape treatments shall conform to match the Fourth Street improvements installed by the City of Las Vegas in accordance with Subsection DS4.2 of the Centennial Plan.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 51 – SDR-4999

CONDITIONS – Continued:

5. Palm trees shall be installed in the public right-of-way on Casino Center Boulevard and Third Street at a maximum spacing of 35 feet on center, in accordance with Subsection DS4.2.a of the Downtown Centennial Plan. The palm trees shall have a minimum height of 25 feet upon installation. Shade trees, in single or double rows, may be provided alternately between the required palm trees. On Coolidge Avenue, shade trees shall be installed at a maximum spacing of 30 feet on center in accordance with Subsection DS4.2.b of the Centennial Plan. Minimum tree size shall be a 24-inch box. SDR-4999 - Conditions Page Two
6. The right-of-way landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
7. All new developments shall provide and install standard Fourth Street style fixtures in place of existing fixtures in accordance with Subsection DS3.1.k of the Downtown Centennial Plan. Exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.
8. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location, in accordance with Subsection DS2.1.f of the Downtown Centennial Plan.
9. Utilities and power service lines in alleys shall be located underground in accordance with Subsection DS2.1.f. of the Downtown Centennial Plan.
10. All mechanical equipment, air conditioners and trash areas shall be fully screened from street level and surrounding building views in accordance with Subsection DS5.1.j of the Downtown Centennial Plan.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
12. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 51 – SDR-4999

CONDITIONS – Continued:

13. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

14. An application to vacate the existing public alley and public sewer main through this site must be approved and the Order of Vacation recorded prior to the issuance of any building or grading permits. A sanitary sewer plan addressing continuous service for upstream customers, relocation of alternate mains and abandonment of existing mains must be submitted to and approved by the City Engineer as part of the Order of Vacation process.
15. Dedicate a 10 foot radius on the northwest corner of Coolidge Avenue and Third Street prior to the issuance of any permits.
16. Coordinate with the City Surveyor to determine whether a Reversionary Map or other Map is necessary; if such a Map is required, it should record prior to the issuance of any permits for this site.
17. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site.
18. Construct all incomplete half-street improvements adjacent to this site concurrent with development of this site.
19. Landscape and maintain all unimproved rights-of-way adjacent to this site.
20. Submit an Encroachment Agreement for all landscaping and private improvements, located within or over the public rights-of-way adjacent to this site prior to occupancy of this site.
21. No portion or appendage of the proposed structure shall be allowed to encroach upon the public right-of-way without the written approvals of the City Engineer.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 51 – SDR-4999

CONDITIONS – Continued:

22. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
23. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
24. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 51 – SDR-4999

CONDITIONS – Continued:

construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

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DISCUSSION

SUBJECT:

SCD-5000 - MAJOR DEVIATION - PUBLIC HEARING - APPLICANT/OWNER: WOODSIDE SOLANO, LLC - Request for a Major Deviation to ALLOW A 14 FOOT FRONT SETBACK TO THE GARAGE WHERE 18 FEET IS THE MINIMUM SETBACK REQUIRED FOR A PROPOSED SINGLE FAMILY RESIDENCE at 553 El Loro Street (APN 137-35-216-017), P-C (Planned Community) Zone, Ward 2 (Wolfson).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to conditions and amending Conditions 2 as follows:

2. The distance from the face of the garage door to the back of sidewalk shall be a minimum distance of 17.3 feet to prevent a car in the driveway from encroaching into the vehicular or pedestrian travel corridor.
– **UNANIMOUS** with McSWAIN abstaining because Woodside Homes is a client of her company and STEINMAN excused

This is Final Action.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development, explained that in Summerlin, this type of application is not a variance, they are SCD's. He added that this type of application is not seen very often. The variance is to allow part of the garage to be 14 feet where 18 feet is required.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 52 – SCD-5000

MINUTES – Continued:

The lot is of irregular size and staff deemed the hardship legitimate as long as there is 18 feet from the back of the sidewalk to the front of the garage so a car could park in the driveway without encroaching into the sidewalk.

CHRIS ARMSTRONG, Carter and Burgess, 6655 Bermuda Road, appeared on behalf of the applicant and thanked staff for noting the irregular shape of the lot and the hardship it presents. He clarified that the driveway's depth is actually 17.3 feet and he requested approval to allow that dimension instead of 18 feet. The Summerlin Design Review Committee recommended approval subject to an average driveway depth of 18 feet and the applicant is willing to agree to that or a minimum depth of 17.3 to allow for an appropriate setback.

MR. CLAPSADDLE explained that to accomplish that, the back of sidewalk should be an average distance of 25 feet to a minimum of 17.3 feet. The applicant agreed.

(10:19 – 10:22)
3-2555

CONDITIONS:

Planning and Development

1. This Major Deviation shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

Public Works

2. The distance from the face of the garage door to the back of sidewalk shall be a minimum distance of 18 feet to prevent a car in the driveway from encroaching into the vehicular or pedestrian travel corridor.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ABEYANCE - TXT-5037 - TEXT AMENDMENT - PUBLIC HEARING -
APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend
Title 19.14.100 relating to standards for Off-Premise Signs.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	

RECOMMENDATION:

Staff recommends this item be HELD IN ABEYANCE to the October 21, 2004 Planning Commission meeting.

BACKUP DOCUMENTATION:

1. Location Map - Not Applicable
2. Conditions For This Application - Not Applicable
3. Staff Report - Not Applicable

MOTION:

NO ACTION WAS TAKEN AT THE 9/23/2004 PLANNING COMMISSION MEETING.
THIS ITEM WILL BE RENOTICED AND WILL REAPPEAR ON THE AGENDA FOR
THE 10/21/2004 PLANNING COMMISSION MEETING

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

TXT-5129 - TEXT AMENDMENT - PUBLIC HEARING - CITY OF LAS VEGAS -
Discussion and possible action to amend Title 19.14.100, "Off-Premise Signs" in order to allow replacement of permitted off-premise (billboard) signs due to involuntary removal.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map - Not Applicable
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions – UNANIMOUS with STEINMAN abstaining

To be forwarded to City Council in Ordinance Form.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

MARGO WHEELER, Deputy Director, Planning and Development Department, explained the purpose of the text amendment is to codify a policy that staff has utilized for a number of years which pertains to billboards that have to be removed because of street or freeway widening. It states that replacement signs on the same parcel cannot be higher or of larger area than was originally approved. After the widening takes place, a replacement sign can be installed on the same parcel. The construction of the relocated sign must be completed within six months. She acknowledged problems occurring with signs not being replaced in a timely fashion. She indicated the City Attorney's office has worked with Staff on the language to insure the necessary provisions are in place to address the relocation of signs upon their involuntary removal based on street widening.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 54 – TXT-5129

MINUTES – Continued:

She noted that it does not address new signs and has nothing to do with billboards that are in the draft document that will be reviewed within 30 days. This text amendment only relates to the relocation of existing signs that are taken for public purposes.

COMMISSIONER McSWAIN commented that the scope of work being done in a given area that would cause the street widening and subsequently, the sign removal, could change the character of the area and it is possible that after all of those changes take place, the sign would no longer be appropriate. She asked about the level of obligation the City or State had when a sign is removed involuntarily. MS. WHEELER explained that there is a substantial difference in the cost to the City or State for the relocation of a sign compared to the cost of the permanent removal of the sign. DEPUTY CITY ATTORNEY BRYAN SCOTT added that this would be action taken in lieu of doing condemnation action that would require the City to pay up to one million dollars per sign if the sign. This would allow for the sign to be moved to another location on the same parcel with the requirement that the setbacks, adjacency standards and other requirements of the new sign would match those approved for the original sign.

COMMISSIONER McSWAIN asked what would happen if it were not possible to find a spot on the existing parcel that complied with the original conditions. MS. WHEELER replied that situations such as that would require that staff do an administrative waiver to allow the relocation. She assured the Commission that such situations are specifically addressed because that problem has already been encountered.

CHAIRMAN TRUESDELL asked how the timeframe of six months was formulated opposed to only giving 90 days. MS. WHEELER indicated staff wanted to insure the replacement sign is up in a timely fashion so everyone knows it is there. Staff is concerned that when a sign comes down due to widening, there are multiple applications for the surrounding area. Getting the sign replaced is a priority. CHAIRMAN TRUESDELL commented that if the applicant were given less time, there would be less time to have to worry about complications. DEPUTY CITY ATTORNEY SCOTT explained that the Public Works Department was worried that the work would not be completed within 90 days and the construction of the sign would interfere. CHAIRMAN TRUESDELL pointed out that some freeway widening projects could take up to 2 years. DEPUTY CITY ATTORNEY SCOTT replied that Public Works was concerned more with landscaping projects.

(10:20 – 10:27)
3-2690

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 54– TXT-5129

CONDITIONS – Continued:

Title 19.14.100 “Off-Premise Signs” is hereby amended as follows:

Title 19.14.100 (B) (1):

(B) SPECIAL USE PERMIT REQUIRED

- (1) A Special Use Permit is required for all off-premise signs prior to the construction, placement, erection or modification of the sign in accordance with the requirements of this Chapter, except as listed in Section (F). A Special Use Permit application shall be processed in accordance with Section 19.18.060. Furthermore, the property owner(s), owner(s) of the structure or other assignee shall maintain in force, at all times, a sign certificate for the sign in accordance with the requirements of this Chapter.

Create a new section (F):

(F) REMOVAL AND RELOCATION FOR PUBLICLY FUNDED PROJECTS

1. The City, State of Nevada, or any other governmental entity may require off-premise (billboard) signs to be removed from private property for the widening of public roadways or for other publicly funded improvements. If an off-premise sign is required to be removed under this section, it may be relocated without obtaining a Special Use Permit and/or Variance, if it meets the conditions listed below. In order to allow replacement of a permitted off-premise (billboard) sign due to removal for publicly funded projects, the following process shall apply:

The applicant must submit to the Department, for administrative review and approval, a site plan, an elevation drawing, and justification letter detailing the reason for removal and relocation. The Director or designee shall review the documents to determine if the proposed off-premise (billboard) sign conforms to the following conditions:

- a) Replacement on the same parcel or within the same commercial subdivision.
- b) Provide evidence the structure was a permitted off-premise (billboard) sign
- c) Submit for administrative waiver from required distance separation requirements as listed in Title 19.14.100, if applicable
- d) No increase in the sign area
- e) No increase in the height except for an off-premise sign within 150 feet of the right-of-way line of an elevated freeway or highway to which it is oriented may be erected 30 feet above the elevation of the elevated roadway surface nearest the sign.
- f) Any other increase in height will require approval of a Variance application.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 54– TXT-5129

CONDITIONS – Continued:

2. If in the Directors discretion it is determined that:
 - a. The proposed relocation of the off-premise (billboard) sign is appropriate, the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council. Within ten days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a member of the City Council files with the Director a request for the Council to review the approval. If such a request to review is filed, the application must first be reviewed and approved by the Council prior to issuance of any building permits.
 - b. The proposed off-premise (billboard) sign does not conform to the conditions listed above, a Special Use Permit will be required for the use. Any determination by the Director that a Special Use Permit will be required is subject to appeal pursuant to Title 19.00.070.F.
3. A demolition permit must be issued for the existing off-premise (billboard) sign prior to removal. A building permit must be issued and the construction of the relocation of the off-premise (billboard) sign completed within six (6) months of issuance of the demolition permit, unless the Director grants an extension of time.
4. In the case that conditions of approval exist from previously approved Special Use Permit or Variance applications, such conditions will apply to the relocated off-premise (billboard) sign unless otherwise stated in the administrative review approval letter. Conditions may be added to the administrative review approval letter for the relocated off-premise (billboard) sign.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

TXT-5158 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.04.040(C)(7) to the change the title to "Locational Requirements", and, in the case of existing subdivisions, to allow private streets subject to perpetual access easements running in favor of the owners of the lots within the subdivision.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends NONE.

BACKUP DOCUMENTATION:

1. Location Map – Not Applicable
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to staff conditions – **UNANIMOUS** with **STEINMAN** excused

To be forwarded to City Council in Ordinance Form.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department, stated this text amendment would allow the conversion of public streets to private streets in an established neighborhood without requiring the private street to be owned by the property owner's association. A Homeowners Association would still be necessary; however, this would not require the street to be owned by the association after conversion. This would be the corrected language for the Code.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 55 – TXT-5158

MINUTES – Continued:

COMMISSIONER DAVENPORT asked how a gated versus a non-gated community would be affected by this language. ROBERT GENZER, Director, Planning and Development Department, indicated the vacation process would still be followed. Part of that process would require the right-of-way being returned to the property from which it came. He cited as an example the street of one block. The street would be split down the middle and the portions of each side of the street would be returned to the houses adjacent to that section. Under the current Code, the street portions would go into a common lot. Staff has found that in existing subdivisions, it is not always possible to do that way. This would be an alternative to the common lot scenario. Once the street is vacated, it will still go back to the individual property owners but an easement over the entire width of the street would be taken to provide for ingress and egress across all of the properties. In doing so, the subdivision is allowed the opportunity to apply for a vacation if there is not 100 percent agreement on a property owner's association common lot basis.

COMMISSIONER DAVENPORT questioned who would be responsible for the maintenance and associated expenses. MR. GENZER replied that the association would assume that expense. He informed Council that several years ago there was a subdivision that assumed the maintenance costs for everyone within the subdivision whether they were a member of the association or not. DEPUTY CITY ATTORNEY BRYAN SCOTT clarified that the street is being reverted back to the property owner while reserving the access between all property owners within the subdivision.

COMMISSIONER DAVENPORT asked what would happen if an individual's property backed up to a street that was not part of the subdivision they lived in and that back street was abandoned who would that portion of the street go to? MR. GENZER stated the language is geared toward existing subdivisions that want to vacate their interior streets, not exterior streets.

COMMISSIONER NIGRO pointed out that property owners on one side of the street could not choose to vacate without the property owners on the opposite side agreeing to do so as well. MR. GENZER corrected him by saying it only takes one property owner to apply for a vacation of the right-of-way. DEPUTY CITY ATTORNEY SCOTT explained that although that is true, if other adjacent property owners opposed the vacation, it would most likely not be approved. MR. GENZER brought to the attention of the Commission a situation that recently occurred in the northwest part of town where the property owners agreed on a vacation and the application was recommended for approval by the Planning Commission; however, there was an issue because there was no Homeowner's Association formed to assume responsibility of the common lot that would result from the vacation. The community had no intention of forming an association.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 55 – TXT-5158

MINUTES – Continued:

MR. CLAPSADDLE indicated that part of the issue also relates to mapping. If there is an established neighborhood and it gets vacated from a public street to a private street, it is difficult to re-map it as a common lot. MR. GENZER added that any new, proposed subdivision, the applicant would still be required to put a private street in a common lot. This only applies to existing subdivisions.

(10:27 – 10:36
3-2691

CONDITIONS:

1. Amend Title 19.04.040(C)(7) as follows:

(7) [Private Street Lot.] Locational Requirements. Private streets shall be constructed on property that is separately owned by a property owners' association [.] or is subject to perpetual access easements running in favor of the owners of lots within the subdivision. Private streets must include provision for appropriate easements to be granted to the City and to other utility providers allowing necessary use and access for utilities and the maintenance thereof. The easement shall also provide the City and protective service providers with the same right of access they would have if the streets were public streets.



PLANNING COMMISSION AGENDA
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE PLANNING COMMISSION AGENDA CANNOT BE ACTED UPON BY THE PLANNING COMMISSION UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH. THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.

MINUTES:

MEETING ADJOURNED AT 10:36 P.M.

Respectfully submitted:

ARLENE COLEMAN, DEPUTY CITY CLERK

STACEY CAMPBELL, DEPUTY CITY CLERK